THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, 1st August 1962.

The House met in the Council Chamber, Fort St. George at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Additional tax on cinemas

* 170 *Q*.—SRI M. SUBBIAH CHETTIAR: Will the Hon. the Chief Minister be pleased to state—

(*a*) the number of panchayats which have levied additional tax on cinemas as on 1st June 1962;

(*b*) whether the Government have received any representation from the film industry and cinema theatre owners in regard to the levy of additional tax on cinemas; and

(*c*) if so, the action taken or proposed to be taken thereon?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister): (*a*) Panchayats have not been empowered to levy tax on entertainments and show tax under the Madras Local Authorities Finance Act, 1961. Municipalities, townships, and panchayat union councils have been empowered to levy this tax.

(*b*) The South Indian Film Chamber of Commerce has requested the Government to keep in abeyance the implementation of the Act.

(*c*) The representations are under examination.

திரு. எம். சுப்பையா செட்டியார்: சர்சார்ஜ் போடுவது பஞ்சாயத்து யூனியன், முனிசிபாலிடிகளில் அமுலுக்குக் கொண்டு வரப்பட்டிருப்பதாகத் தெரிகிறது. அதுவும் நிறுத்தி வைக்கப்பட்டிருக்கிறதா ?

கனம் திரு. ஆர். வெங்கட்டராமன்: பிலிம் சேம்பர் ஆஃப் காமர்ஸ் நிறுத்தி வைக்கவேண்டுமென்று கேட்டார்கள். நிறுத்தி வைப்பதற்கு சர்க்காருக்கு அதிகாரம் இருக்கிறதா என்று தெரியவில்லே. அதைத்தான் பரிசீலனை செய்துகொண்டிருக்கிறோம்.

SRI M. SESHACHARIAR: Can the Hon. Minister tell us the maximum amount levied by the panchayat unions now?

THE HON. SRI R. VENKATARAMAN: Under the law they can levy up to 100 per cent. We have been informed by the Film Chamber of Commerce that one or two panchayat unions have levied that, but Government have no difinite information.

[1st August 1962

General Elections

* 171 *Q.*—Sri S. K. SAMBANDHAN : Will the Hon. the Chief Minister be pleased to state—

(*a*) whether the attention of the Government has been drawn to the posters of a woman showing blood-stained shirt exhibited throughout the State by a political party during the recent General Elections; and

(*b*) if so, whether it relates to any incident that took place and the details thereof?

The Hon. Sri R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (*a*) Yes, Sir.

(*b*) The Government have no information.

Sri S. K. SAMBANDHAN : If there is any information about the definite thing that has been taken advantage of by the political party, what action do the Government propose to take?

The Hon. Sri R. VENKATARAMAN : It can be said to be immoral, but it cannot be termed illegal.

வித்துவான் டி. முத்துக்கண்ணப்பன் : ஐயா, தேர்தல் காலத்தில் விஷயங்களைப் பொய்யாகத் திரித்துக் காட்டி பொதுமக்களை வஞ்சிக்கும் கட்சியின் ஏமாற்றுத்தனத்தைத் தடுக்க அரசாங்கம் கடும் நடவடிக்கை எடுக்குமா ?

கனம். திரு. ஆர். வெங்கட்டராமன் : பொதுமக்கள்தான் அதைத் தெரிந்துகொள்ளவேண்டும். இந்த விதமான தவருன பிரசாரம் செய்வது ஜனநாயகத்திற்குக் புறம்பானது என்று அவர்களும் உணரவேண்டும்.

திருமதி சரஸ்வதி பாண்டுரங்கம் : ஐயா, பெண் வாக்காளர்கள் ஓட்டுப்போட வரும்போது அவர்களுக்கு அரசாங்கம் பாதுகாப்பு அளிக்குமா ?

கனம் திரு ஆர். வெங்கட்டராமன் : சட்டப்படி என்னென்ன பாதுகாப்புக்கள் அளிக்கவேண்டுமோ அவற்றை அரசாங்கம், ஆண்களாக இருந்தாலும் பெண்களாக இருந்தாலும், அனைவருக்கும் அளிக்கும்.

திரு. கே. ராமதாஸ் : தலைவர் அவர்களே, இந்த விதமான போஸ்டர்கள் அச்சடித்து ஒட்டுவதும் மந்திரிகள்மீதும் சர்க்காரின் மீதும் அவதூரான செய்தியை அச்சடித்து ஒட்டுவதும் சர்க்காருக்குத் தெரியுமா ?

கனம் திரு. ஆர். வெங்கட்டராமன் : அந்தவிதமான புகார்கள் சர்க்காருக்கு வந்திருக்கின்றன. சாதாரணமாக ஜனநாயகத்தில் எந்தவிதமான பண்புடன் கட்சிகள் நடந்துகொள்ளவேண்டும் என்பது அவர்கள் கட்சிகள் நிர்ணயம் செய்துகொள்ளவேண்டிய

ஒரு விஷயம். ஒவ்வொன்றுக்கும் சட்டத்தைப் பிரயோகித்து தண்டிக்கவேண்டிய நிலைமை ஏற்பட்டால், ஜனநாயகம் சரியாக நடக்காது.

திரு. கே. ராமதாஸ்: தேர்தல் காலத்தில் எல்லாக் கட்சித் தலைவர்களும் ஒன்றுகூடி சில நிபந்தனைகள் விதித்துக்கொண்ட பிறகு, அந்த நிபந்தனைகளை மீறிநடக்கும்போது, அதற்கு சர்க்கார் நடவடிக்கை எடுக்குமா?

கனம் திரு. ஆர். வெங்கட்டராமன்: தானாகத் திருந்துவார்கள் என்று நம்புகிறோம். அதனால் நடவடிக்கை எடுக்கவில்லை.

Mount Road

* 172 *Q.*—Dr. A. SREENIVASAN : Will the Hon. the Chief Minister be pleased to state the amount spent by the Corporation of Madras and the Government on remodelling the Mount Road to facilitate the movement of the six-lane traffic?

The Hon. Sri R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) :

			Rupees.
Cost of widening Mount Road	...	...	5,45,000
Cost of painting the lanes	...	...	3,800
Cost of automatic signals	...	...	66,000
	Total	...	6,14,800

Dr. A. SREENIVASAN : Sir, is it a fact that traffic on Mount Road has slowed down considerably since the introduction of the six-lane taffic on account of the fact that some of the cars if they stand in the quene do not start immediately and therefore, the cars behind are detained unnecessarily and also before the queue is over, the automatic signal changes?

The Hon. Sri R. VENKATARAMAN : If the cars co not start, it is not the fault of the signal. This type of regulation of traffic with automatic signals is well-known throughout the world and if people get accustomed to it for a little while, they will find that it is much more convenient than it would otherwise be.

Sri S. K. SAMBANDHAN : Is it not a fact that people will derive a great advantage from the introduction of this automatic signal?

The Hon. Sri R. VENKATARAMAN : I said that when people get used to it, they would find it to be a great convenience, and my impression now is that people are getting used to it.

[1st August 1962

SRI S. K. SAMBANDHAN : Is it a fact that no accident has occured after the introduction of this automatic signal system on Mount Road?

THE HON. SRI R. VENKATARAMAN : That is true. I thank the hon. Member for bringing it out.

SRI T. P. SRINIVASAVARADAN : What is the extra cost involved in posting extra traffic constables and Inspectors there?

THE HON. SRI R. VENKATARAMAN : It is not a measure of economy; it is a measure of convenience.

SRI S. K. SAMBANDHAN : May I know what steps the Government have taken to educate the public and especially the drivers of cars in the use of this six-lane traffic?

THE HON. SRI R. VENKATARAMAN : At the present moment, traffic constables are there and they are giving through the microphone instructions as to how they should proceed. I think after about a month of such instructions, people have got accustomed to it and there is no further need for instructions.

DR. A. SREENIVASAN : Are there not more constables and sergeants now there after the introduction of the automatic signal than ever before?

THE HON. SRI R. VENKATARAMAN : The hon. Member may put a separate question so that I may count the number of people who are standing there now and those who were standing there before, but I think it would be a colossal waste of time.

வித்துவான் டி. முத்துக்கண்ணப்பன் : ஐயா, இந்த ஆறுவழிப் பாதை தற்காலிகமானதா? அல்லது நிரந்தரமாக்கப்பட்டு விட்டதா?

கனம் திரு. ஆர். வெங்கட்டராமன் : இது நிரந்தரமான ஏற்பாடு.

DR. A. SREENIVASAN : Are the automatic signals working during holiday?

THE HON. SRI R. VENKATARAMAN : They are withheld during holidays because there is no need to regulate traffic on those days.

Murders

* 173 Q.—SRI K. RAMADASS : Will the Hon. the Chief Minister be pleased to state—

(a) the number of murders reported to the Police in the City of Madras, Police Divisionwar, from 1st January 1962 till date; and

(b) the motives for the crime?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (a) Five cases of murder were reported to

1st August 1962]

the Police in the City of Madras during the period in question, of which four were in Vepery Division and one in Saidapet Division.

(b) The motives for the crimes were :

(1) Domestic quarrels;

(2) Previous enmity and jealousy; and

(3) petty quarrel.

MR. CHAIRMAN : Question No. 174 is postponed as the Hon. Minister concerned is not here.

Formation of All-India Services

* 175 Q.—DR. A. SREENIVASAN : Will the Hon. the Chief Minister be pleased to state—

(a) whether the Government have received any communication from the Central Government about the formation of All-India Services; and

(b) if so, the action taken or proposed to be taken thereon?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (a) The Government of India have forwarded a scheme for creating All-India Services in Engineering, Forestry, Medical and Health and Education.

(b) The proposals are under consideration of the State Government in consultation with the concerned heads of departments.

DR. A. SREENIVASAN : What is the number of outsiders who will have to serve in this State when compared to the Madrasees in the All-India Service?

THE HON. SRI R. VENKATARAMAN : The hon. Member may submit his views in a memorandum to the Government.

Women Police

* 176 Q.—SRIMATHI MARY C. CLUBWALA JADHAV : Will the Hon. the Chief Minister be pleased to state with reference to the answer given to Legislative Council Question No. 32 on 25th January 1961—

(a) whether any women Police have since been appointed; and

(b) if not, the reasons therefor?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (a) No.

(b) No progress has been made in the matter of recruitment of women Police, as suitable candidates are not coming forward All the posts remain unfilled.

SRIMATHI MARY C. CLUBWALA JADHAV : No woman constable has been appointed. What are the reasons for it?

THE HON. SRI R. VENKATARAMAN : The note says that they do not answer to the physical requirements prescribed.

SRIMATHI MARY C. CLUBWALA JADHAV : Is the Hon. Minister aware, Sir, that women of the height prescribed are not available in the State? (Laughter.)

THE HON. SRI R. VENKATARAMAN : But we have to prescribe the conditions not according to availability but according to requirements.

Secretariat

* 177 *Q.*—SRI L. S. KARAYALAR : Will the Hon. the Chief Minister be pleased to state—

(*a*) the number of temporary candidates (i) men and (ii) women working in the Secretariat as on 1st June 1962; and

(*b*) the reasons for not appointing candidates selected by the Madras Public Service Commission in these vacancies?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (*a*) The number of temporary candidates working in the Secretariat as on 1st June 1962 is (i) Men 110 and (ii) Women 67.

(*b*) The temporary candidates could not be replaced due to the non-availability of candidates selected by the Madras Public Service Commission.

SRI L. S. KARAYALAR : How are these temporary candidates recruited? Is it through the Employment Exchange or through any other recognised method?

THE HON. SRI R. VENKATARAMAN : I suppose the heads of departments do it.

* 178 *Q.*—SRI L. S. KARAYALAR : Will the Hon. the Chief Minister be pleased to state—

3-10 p.m.

(*a*) the area occupied by the Secretariat buildings; and

(*b*) the number of persons employed in these buildings?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) : (*a*) The total ground area occupied by Secretariat Buildings is 174,200 sq. feet or 4 acres.

(*b*) The number of persons employed in these buildings is 2,490.

SRI L. S. KARAYALAR : Since there are a large number of people in this small area, will the Government consider enlarging the Secretariat or at least take away the Assembly and Council halls to the parade ground behind?

1st August 1962]

THE HON. SRI R. VENKATARAMAN : Sir, discussions with the Defence Ministry of the Government of India are in progress in respect of taking over some land which is behind the Secretariat buildings. We have more or less come to some arrangement by which the Defence Ministry have agreed to give us, among other things, some land in the *Fort. St. George* itself. As soon as this is finalized steps would be taken to increase the accommodation.

SRI G. KRISHNAMOORTHY : Sir, is there any proposal to construct a new hall for the Legislative Council?

THE HON. SRI R. VENKATARAMAN : It is too early to say. But we are getting 2½ acres of land within the Fort itself.

* 179 to 183 *Q.*—MR. CHAIRMAN : Question Nos. 179 to 183 are postponed as the Hon. Minister concerned is not here.

Bus and lorry transport

* 184 *Q.*—SRI S. K. SAMBANDHAN : Will the Hon. the Minister for Industries be pleased to state whether there is any proposal to nationalize the bus and lorry transport in the State ?

THE HON. SRI R. VENKATARAMAN : (i) *Bus transport.*—

There is no change in the Government's policy of progressive nationalization of road transport. Specific decisions will be taken by Government from time to time.

(ii) *Lorry transport.*—There is at present no proposal for nationalization of lorry transport.

SRI S. K. SAMBANDHAN : In view of the decision of the Government not to nationalize bus and lorry transport, is there any proposal to fix a ceiling for the number of buses to be owned by any individual or company?

THE HON. SRI R. VENKATARAMAN : No, Sir. We do not propose to fix any such ceiling. Grant of permits is regulated by an Act and permits will be issued according to the provisions of that Act.

SRI G. KRISHNAMOORTHY : How are the profits that accrue through nationalized transport utilized?

THE HON. SRI R. VENKATARAMAN : The profit goes into the general revenues. The hon. Member may have seen in the note which I have circulated to both the Houses that in the last five years the nationalized transport has given to the general revenues of the State Rs. 1,13,00,000.

SRI S. K. SAMBANDHAN : What are the difficulties that stand in the way of the Government in putting a ceiling on the number of buses to be owned, when this Government believe in a socialistic pattern of society?

THE HON. SRI R. VENKATARAMAN : Because, Sir, Government do not think it necessary.

[1st August 1962

SRI G. KRISHNAMOORTHY : Is there any proposed to ear-mark the profits separately for the purchase of new vehicles to avoid the congestion in the buses?

THE HON. SRI R. VENKATARAMAN : Sir, the way in which the net revenues are disposed of is as follows :—

We pay an interest of 5¼ per cent on capital borrowed from the Government.

We set apart 1/6th of the cost of the fleet as depreciation charges.

Then we set apart a certain amount for the development fund.

We have also a passenger amenity fund.

Then after paying all these things the net surplus is again transferred to the general revenues as profits.

SRI S. K. SAMBANDHAN : Are not the Government aware of the disparities created on account of the existing rules? Some companies are allowed to own hundreds of buses and innumerable people in the State who do not have any other avocation are denied permits?

THE HON. SRI R. VENKATARAMAN : Sir, I have already answered that the grant of permits is regulated by law and if a person is eligible under the law, then I do not see why he should be prevented from having it.

SRI G. KRISHNAMOORTHY : Sir, are we to understand that the new buses are purchased from out of the revenue account and no allocation is made out of the profits for the purchase of buses?

THE HON. SRI R. VENKATARAMAN : Sir, this is rather a different kind of arrangement so far as Government undertakings are concerned. Whenever we expand the route, we will have to borrow money from the Government notwithstanding the fact that there is already enough money in the depreciation fund, and pay interest on that. But what we have now done is to provide for a development fund from which a part of the augmentation fleet will be purchased and another part from the borrowings from the Government.

Industrial Estate at Kancheepuram

* 185 *Q.*—SRI S. K. SAMBANDHAN (on behalf of Sri A. K. Thangavel Mudaliar) : Will the Hon. the Minister for Industries be pleased to state—

(*a*) whether there is any proposal to start an Industrial Estate at Kancheepuram; and

(*b*) if so, the stage at which the matter now stands?

THE HON. SRI R. VENKATARAMAN : (*a*) No, Sir.

(*b*) The question does not arise.

1st August 1962]

Handloom delegation

* 186 *Q.*—Sri S. K. SAMBANDHAN : Will the Hon. the Minister for Industries be pleased to state with reference to the answer given to Legislative Council Question No. 67 on 23rd February 1962—

(*a*) whether the report of the Handloom Delegation to the Far East has been examined by the Government; and

(*b*) if so, the action taken thereon?

The Hon. Sri R. VENKATARAMAN : (*a*) Yes, Sir.

(*b*) This Government have passed orders on those recommendations of the delegation on which action on their part was indicated. The recommendations on which action was required to be taken by the All-India Handloom Board and the Government of India have been communicated to them. The Government of India have communicated their decisions. Statements [a] showing the action taken by this Government and by the Government of India and All-India Handloom Board on the recommendations are placed on the table of the House.

Sri S. K. SAMBANDHAN : Sir, under action taken against item (2), it is stated that the Government have decided that there is no need at present for setting up the consultative body. What difficulty is there to set up an honorary consultative body?

The Hon. Sri R. VENKATARAMAN : Sir, there is already a State Handloom Board consisting of all the representatives of the handloom interest. Therefore, there is no need to multiply these organizations.

Sri S. K. SAMBANDHAN : Sir, in the present Handloom Board, I think there is no representation for the exporters of handloom fabrics and the delegation has gone only to explore markets for exportable varieties. Is it not necessary to have another body or should not some more members be co-opted who are interested in exports?

The Hon. Sri R. VENKATARAMAN : Sir, the Government do not think that there is any need for another body. But if the hon. Member would make out a case for inclusion of some more interests in the State Handloom Advisory Board, Government will consider that question.

Sri S. K. SAMBANDHAN : Sir, with regard to recommendation (4), may I know whether the garment manufacturing unit has come into existence?

The Hon. Sri R. VENKATARAMAN : Not yet, Sir.

[a] Printed as Appendix I on pages 625-628.

South Indian Steel Projects

* 187 *Q.*—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Industries be pleased to state—

(*a*) whether it is a fact that the Central Technical Committee on South Indian Steel Projects met in Madras in May 1962;

(*b*) if so, whether any representative of the Government attended the meeting ; and

(*c*) the matters discussed at the meeting and the decisions taken thereon?

THE HON. SRI R. VENKATARAMAN : (*a*) Yes, Sir.

(*b*) Yes, Sir.

(*c*) The Technical Committee reviewed reports placed before it relating to the quality of Neyveli Lignite and Salem Iron ore. The Committee recommended, among other things, that a comprehensive site survey for the plant be undertaken immediately, and further that an appropriate firm of Consultants be entrusted with the task of preparing a project report for the plant. The decision of the Government of India on the recommendations made by the Committee is awaited.

Mr. Chairman, Sir, I may add that the Government of India have since agreed to appoint a consultant for the Neyveli-Salem Steel Plant.

வித்துவான் டி. முத்துக்கண்ணப்பன் : அந்தக் கமிட்டியிலே அநேகமாக யார் யார் இருப்பார்கள்?

கனம் திரு. ஆர். வெங்கட்டராமன் : இப்போது கெப்வார் இருக்கிறார் ஒரு மெம்பராக. டாக்டர் நிஜாவனும் (Director, National Metallurgical Laboratory). இன்னும் நான்கைந்து பேர் களும் இருக்கிறார்கள்.

Ex-servicemen motor transport co-operative societies

* 188 *Q.*—SRI S. K. SAMBANDHAN : Will the Hon. the Minister for Industries be pleased to state—

(*a*) the number of ex-servicemen motor transport co-operative societies in the State;

(*b*) the number of buses owned by each society; and

(*c*) the number of members in each society?

THE HON. SRI R. VENKATARAMAN : (*a*) Six.

(*b*) & (*c*) The particulars are as follows :—

Name of the society.	Number of buses.	Number of members.
(1)	(2)	(3)
1 North Arcot Co-operative Motor Transport Society.	9	69
2 South Arcot Co-operative Motor Transport Society.	11	,

1st August 1962]

Name of the Society.	Number of buses.	Number of members.
(1)	(2)	(3)
3 Tiruchirappalli Co-operative Motor Transport Society.	15	46
4 Salem Co-operative Motor Transport Society.	21	64
5 Coimbatore Co-operative Motor Transport Society.	16	92
6 Tirunelveli Co-operative Motor Transport Society.	8	29
Total. . .	80	315

SRI S. K. SAMBANDHAN : Sir, in all these societies, the number of members is too low and, therefore, only a few members are enrolled. What are the reasons for not having more members?

THE HON. SRI R. VENKATARAMAN : Only the requisite number of members to man the buses will be generally taken. Besides, this is confined to the ex-servicemen and, therefore, the number of members is somewhat small.

SRI S. K. SAMBANDHAN : Is there any proposal to extend these societies to cover other people such as the bus drivers and conductors?

THE HON. SRI R. VENKATARAMAN : Sir, there have been some suggestions like this in the air but no definite proposals have come up before the Government.

SRI S. K. SAMBANDHAN : Sir, is the Hon. Minister aware that people who are not ex-servicemen are employed in these societies because of lack of membership?

THE HON. SRI R. VENKATARAMAN : They may not be eligible. That is why they may not be admitted as members but they will be employed in the usual course.

திரு. கே. வி. ராமசாமி: ஐயா, எக்ஸ்-சர்வீஸ்மென்னுக்கு கொடுப்பதுபோன்று இந்த நாட்டில் தியாகம் செய்த தியாகிகளுக்கு ஏதாகிலும் அதுமாதிரி சர்வீஸ்கள் கொடுக்கப்பட்டிருக்கிறதா? அல்லது அப்படிக் கொடுக்க சர்க்காருக்கு ஏதாவது உத்தேசம் இருக்கிறதா?

கனம் திரு. ஆர். வெங்கட்டராமன்: தியாகிகள் மாத்திரம் அல்ல. பொதுமக்கள்கூட கூட்டுறவு சொசைடி வைத்து அவர்கள் இந்த விதமாக தங்களுக்கு அனுமதி வழங்க வேண்டுமென்று சொன்னால், இப்போது விதிகளில் தியாகிகளுக்கு முதல் சலுகை கொடுக்க வேண்டுமென்று போட்டிருக்கிறோம். அந்த மாதிரி அவர்களுக்குக் கிடைப்பதற்கு வாய்ப்பு இருக்கிறது.

[1st August 1962

C.R.A. Course

*189 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon the Minister for Health be pleased to state—

(a) the number of students in the C.R.A. Course in the Barnard Institute of Radiology, General Hospital, Madras, during 1961–62 ; and

(b) whether stipends have been paid to them during the above period and, if not, the reasons therefor?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : (a) Twenty.

(b) Yes, Sir. The second part of the question does not arise.

SRI T. P. SRINIVASAVARADAN : May I know, Sir, when the stipends were paid?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : They were paid on the 31st May 1962.

SRI T. P. SRINIVASAVARADAN : Is it after the representation that the stipends were not paid for a long time, that these stipends were paid to the students?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : Certainly not, Sir.

Smallpox

*190 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to state—

(a) when the original virus of smallpox was received by the King Institute, Guindy, for the manufacture of vaccine;

(b) whether the potency of the vaccine has been tested periodically to find out the nature of the antigen in the vaccine; and

(c) the process of the manufacture of vaccine?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : (a) In 1957, Sir.

(b) Yes.

(c) Vaccine lymph is manufactured from Cow and Buffalo calves by scarification of the skin of calves 1½ to 2 years old and collected, processed and standardized, as per standard methods.

DR. A. SREENIVASAN : Is it a fact, Sir, that the original virus that was received by the King Institute about the end of the 18th Century has lost its anti-genetic properties and that is why so many cases of smallpox have occurred in people who have been vaccinated and have the Government any method of finding out the protective value of the original virus?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : I do not think it is correct, Sir.

1st August 1962]

Vaccination

* 191 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether the Government have taken any measures to assess the immunity produced in vaccinated people ; and

(*b*) if so, what they are?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : (*a*) Yes.

(*b*) The results of vaccination done in the field are verified and recorded by the staff concerned in the Public Health Department in a prescribed form and sent to the King Institute, Guindy. The vaccination and insertion success rates recorded as a result of such verification enable the Department to assess approximately the probable state of immunity of the population as a result of vaccination.

DR. A. SREENIVASAN : Sir, have the Government any statistics regarding the immunity that has been produced in all those people who were vaccinated? Is there any method evolved by the Department to find out the immunity produced by that vaccination?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : If a separate question is put, I shall give the answer.

3-20 p.m.

MR. CHAIRMAN : Does the hon. Member know any method?

Protected water-supply

* 192 *Q.*—SRI M. SUBBIAH CHETTIAR : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether any representation has been received recently from the councillors of Tiruchirappalli Municipality about the augmentation of protected water-supply to Tiruchirappalli town; and

(*b*) if so, the action taken or proposed to be taken thereon?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : (*a*) Yes, Sir.

(*b*) The Sanitary Engineer was asked to inspect the Tiruchi Water-Supply System. He has suggested certain measures to stabilize the water-supply position in the municipality and they are being implemented.

திரு. எம். சுப்பையா செட்டியார் : இந்த வேலை எப்போது துவக்கப்பட்டது? எப்போது முடியும் என்று எதிர்பார்க்கலாம்?

கனம் திருமதி ஜோதி வெங்கடாசலம் : தனிப்பட்ட கேள்வி கேட்டால், பதில் அளிக்க முடியும்.

[1st August 1962

திரு. எம். சுப்பையா செட்டியார்: நகரசபைக்கும் அரசாங்கத்திற்கும் அபிப்பிராய பேதம் இருக்கிறதா? அப்படியிருந்தால், அதை முடிவு செய்ய நடவடிக்கை எடுக்கப்பட்டதா?

கனம் திருமதி ஜோதி வெங்கடாசலம்: அபிப்பிராய பேதம் ஒன்றும் இல்லை. சீஃப் இஞ்சினியருடைய ரிபோர்ட்டுக்காக அரசாங்கம் காத்துக்கொண்டிருக்கிறது.

Water-supply

* 193 *Q*.—Dr. A. SREENIVASAN: Will the Hon. the Minister for Health be pleased to state—

(*a*) whether it is a fact that the water-supply position in Madras City has become acute; and

(*b*) if so, the steps taken or proposed to be taken in this regard?

The Hon. Srimathi JOTHI VENCATACHELLUM: (*a*) The water-supply position is not satisfactory. It will become acute, if the north-east monsoon is delayed.

(*b*) The following steps have been taken:

(i) Red Hills water for irrigation for the second crop has been restricted.

(ii) Corporation has proposed.

(*a*) to erect pumpsets to some of the wells and to supply water to a few taps or into the distribution main itself, if feasible, in highly defective areas;

(*b*) to sink as many tube wells as possible;

(*c*) to purchase 10 Nos. of 800 gallon capacity steel tanks and to repair 20 Nos. of old steel tanks and supply water by lorries in defective supply areas.

Dr. A. SREENIVASAN: Sir, have the Government given up the idea of getting water to an enlarging City like Madras from perennial sources of water-supply?

The Hon. Srimathi JOTHI VENCATACHELLUM: No, Sir. They are seriously pursuing the matter.

Sri G. KRISHNAMOORTHY: Is it a fact that water gets evaporated before it comes to the pumping station?

The Hon. Srimathi JOTHI VENCATACHELLUM: Yes, Sir, That is a fact.

திரு. எம். சுப்பையா செட்டியார்: காவேரியிலிருந்து மதராசுக்குத் தண்ணீர் கொண்டுவருவதாக அடிக்கடி பேசிக்கொண்டிருந்தார்கள். அது நடைமுறையில் உண்டாக வழியிருக்கிறதா?

கனம் திருமதி ஜோதி வெங்கடாசலம்: சார், கனம் அங்கத்தினர் கேட்ட கேள்விக்கு உடனடியாகப் பதில் சொல்லமுடியாது. அது பரிசீலனையில் இருக்கிறது.

1st August 1962]

SRI K. KAMALAKANNAN : Sir, what has become of the proposal to bring water from the Krishna and Pennar rivers to augment the water supply in Madras City?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : It is an inter-State matter.

Market

* 194 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Municipal Administration be pleased to state—

(a) whether it is a fact that the Minister for Municipal Administration visited recently any market in the City of Madras;

(b) if so, what it is; and

(c) the action, if any, taken?

THE HON. SRI S. M. A. MAJID : (a) Yes, Sir.

(b) Kothawal Bazaar market

(c) A report on the steps taken to improve the sanitary conditions prevailing in the Kothawal Bazaar area has been called for from the Commissioner, Corporation of Madras.

வித்துவான் டி. முத்துக்கண்ணப்பன் : ஐயா, இதுபோன்ற திடீர் விஜயம் தொடர்ந்து மற்ற இடங்களிலும் நடத்த உத்தேசமுண்டா ?

கனம் திரு. எஸ். எம். ஏ. மஜீத் : அதைச் சொல்வதற்கில்லை. அப்படிச் சொல்லிவிட்டால், அது திடீர் விஜயமாகாது.

திரு. கே. ராமதாஸ் : அமைச்சர் இதுபோன்று சென்றுவருவதன் காரணமாக ஒரு மாதம் அல்லது சில நாட்கள் அந்த மார்க்கெட்டுகளைச் சுத்தமாக வைத்துக்கொள்ள ஏது ஏற்படும் அல்லவா ?

கனம் திரு. எஸ். எம். ஏ. மஜீத் : ஒரு மாதம் அல்லது ஒரு நாள் என்று அர்த்தமல்ல. நிரந்தரமாகவே நல்லமுறையில் அவை வர வேண்டுமென்பதுதான் அமைச்சர் பார்ப்பதன் கருத்து.

House-tax

* 195 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Municipal Administration be pleased to state—

(a) whether it is a fact that the Corporation of Madras have recently enhanced the house-tax; and

(b) if so, the rate of enhancement and the reasons therefor?

THE HON. SRI S. M. A. MAJID : (a) & (b) The Corporation of Madras has not enhanced the rates of house-tax for 1962–63. Only quinquennial revision of assessment books was made for the year 1962–63. The rates of house-tax continue to be at the same rates as they were levied during 1961–62.

[1st August 1962

DR. A. SREENIVASAN : Sir, the news is published in the papers that the Corporation has enhanced the tax on certain properties in the City of Madras even to the extent of one hundred per cent? Is that a fact?

THE HON. SRI S. M. A. MAJID : If there is any grievance against the enhancement of property tax, the parties may appeal to the Commissioner. There are other appeals also provided.

SRI G. KRISHNAMOORTHY : Sir, is it a fact that the taxation on houses differs from one locality to another, and it does not conform to the plinth area of the property ?

THE HON. SRI S. M. A. MAJID : I do not have any such information.

DR. A. SREENIVASAN : Are there any principles laid down by the Government regarding the enhancement of the property tax in the City of Madras and other municipalities?

THE HON. SRI S. M. A. MAJID : A separate question may be put, Sir.

Kilpauk Medical College

* 196 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether there is any proposal to shift the Kilpauk Medical College from Madras; and

(*b*) if so, the reasons therefor?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : (*a*) Yes, Sir.

(*b*) Considerable expansion of the present buildings of the College has to be made to satisfy the requirements of the University of Madras and the Medical Council of India. The College is at present situated in a congested area of the City. In order to facilitate the proper development of the College, it has been decided to shift it to a suitable place outside the City.

DR. A. SREENIVASAN : What do the Government propose to do with the present buildings?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : They would be utilized for some other purpose.

DR. A. SREENIVASAN : Will it be used for the starting of a college for the indigenous system of medicine or something like that?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : That will be decided after the medical college is shifted.

1st August 1962]

Honorary Medical Officers

* 197 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether the Government have made any order whereby Members of Legislature are debarred from being appointed as Honorary Medical Officers; and

(*b*) if so, the reasons therefor?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : (*a*) No, Sir.

(*b*) Does not arise.

DR. A. SREENIVASAN : Sir, is it a fact that there was a rule in 1954, when Mr. Rajagopalachari happened to be the Chief Minister, that an honorary medical officer should not be a Member of the Legislature?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : I am not aware of it, but had there been one like that, I would prefer it. (Laughter.)

திரு. எஸ். ஆர். பி. பொன்னுசாமி செட்டியார் : இனிமேலாவது அரசாங்கம் அந்த மாதிரி உத்தரவு போட முடியுமா ?

கனம் திருமதி ஜோதி வெங்கடாசலம் : கனம் அங்கத்தினர் அவர்களுடைய "சஜ்ஜஷன்" யோசிக்கப்படும்.

டாக்டர் ஏ. சீனிவாசன் : இப்போது யாராவது அப்படி ஆனரரி மெடிகல் ஆபீசர்கள் இருக்கிறார்களா ?

கனம் திருமதி ஜோதி வெங்கடாசலம் : இருக்கிறார்கள், சார்.

Cauvery water to Madras City

* 198 *Q.*—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Health be pleased to state with reference to the answer given to Legislative Council Question No. 186 on 14th March 1961—

(*a*) whether any report, preliminary or otherwise, of the special engineering division on the prospects of bringing Cauvery water to Madras City has since been received by the Government; and

(*b*) if so, to place a copy on the table of the House?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : (*a*) Yes, Sir.

(*b*) The report is under the consideration of Government and will be placed on the table of the House as soon as Government have taken decisions on the recommendation contained therein.

[1st August 1962

Hospitals and dispensaries

* 199 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether there is any proposal to appoint any committee to go into the working of the hospitals and dispensaries run by the State; and

(*b*) if so, the stage at which the matter stands?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : (*a*) No such proposal is under consideration of this Government at the moment.

(*b*) Does not arise.

DR. A. SREENIVASAN : Sir, in view of the fact that things have taken shape and the standing orders of the hospitals and dispensaries, and the pharmacopoeia have changed, does not the Hon. Minister consider it necessary to review the whole thing to make it modern?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : The hon. Member's suggestion will be taken note of.

MR. CHAIRMAN : Questions are over.

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the member.]

3 30 p.m.

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, with your permission, I want to have some exact information. During question-time some questions were postponed as the Hon. Minister concerned was not present. I believe this is perhaps the first occasion when such a thing has happened. Perhaps the Minister might have communicated to you that the questions might be postponed. I wish only to state that the Cabinet is responsible for the answers to all questions and it is not the responsibility of individual Ministers. I would plead that, when questions are brought before the House, they are answered. Incidentally, I want to know what happens to these questions which are not answered.

THE HON. SRI R. VENKATARAMAN : Sir, normally if the Minister thinks that another Minister can answer the questions, then he entrusts them to another Minister. But sometimes Ministers think that these questions should be answered by them. In those cases, they ask for the postponement of the questions and, if the Chair allows it, they are postponed; otherwise, some other Minister will answer the questions. As far as questions which have not been put to-day are concerned, they will be added to the list of questions for the next meeting.

II.—CALLING ATTENTION TO THE PICKETING ON THE 19TH JULY 1962.

SRI S. K. SAMBANDHAN : Sir, with your permission, I wish to call the attention of the Hon. the Chief Minister to a matter of urgent public importance, namely, the recent picketing on the 19th July 1962 and the steps taken by the Government in that connection and the present position thereof.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, on the 19th July volunteers of the Dravida Munnetra Kazhagam picketed the Collectorates and other Revenue offices as a part of their campaign to protest against rising prices. In most of these cases, the picketers actively and physically obstructed the Government servants and other members of the public from entering these offices and hence, they had to be arrested. I desire to draw particular attention of this House to the fact that although the Government considered such a demonstration totally inappropriate and unwarranted, they did not arrest the volunteers who merely stood beside these offices and raised slogans and thus made a nuisance of themselves, as long as they did not physically obstruct the people from entering the offices. Only those who prevented the people from entering the offices and refused to leave the place even after being duly warned that such obstruction was legally objectionable, were arrested under section 7 of the Criminal Law (Amendment) Act, 1932.

About 8,100 persons were arrested throughout the State for such picketing. Among those arrested were a number of Members of Parliament and Members of the Madras Legislature.

While in most centres the demonstrations passed off uneventfully, there were some ugly scenes of violence in a few centres particularly in Madras City and Vellore. Anti-social elements tried to dominate the scene in the City, when they indulged in indiscriminate stone-throwing both at members of the public and at the Police Officers who were discharging their duties. Acts of hooliganism such as stone-throwing on State Transport buses, assaulting members of the public and setting fire to a telephone booth have been reported in the City. On account of these acts of violence, there has been considerable loss to the State Transport and great inconvenience to the public. These rowdy acts had to be put down firmly by the Police and it is a matter for great satisfaction to the Government that the Police dealt with the situation firmly and tactfully, and effectively checked the activities of the anti-social elements without using more than the minimum force. In this process the Police in the City had to resort to mild lathi charges and also fire tear gas shells.

In Vellore, a crowd of about 3,000 got unruly after the arrest of Sri Annadurai, M.P., and other D.M.K. leaders who picketed the Collectorate there. The Police had to resort to a mild lathi charge and fire tear gas shells to restore order there.

A mild lathi charge had also to be resorted to in Sriperumbudur, Madurantakam and Uthiramerur in Chingleput district

In the course of these incidents in the City and Vellore, about 93 Police Officers were hit by stones and injured. These include the Commissioner of Police at Madras and the Vice-Principal of the Police Training College at Vellore.

The Police took vigorous action to patrol the affected areas and to round up known rowdy elements in a determined bid to curb lawlessness. Besides those arrested for picketing, about 1,800 people were arrested in the City of Madras and about 23 in Vellore. Of these more than a thousand have already been convicted for disorderly conduct.

Of the 1,800 persons arrested for picketing about 1,600 persons have been released on their tendering unconditional apology expressing regret for their behaviour and giving an assurance that such behaviour will not be repeated. More letters of apology have been received and are under scrutiny.

Charge sheets have been ordered to be laid against the others and so far more than 4,000 charge sheets have been laid. Government are anxious that these cases should be disposed of as expeditiously as possible and, therefore, propose to appoint Special Magistrates in Tiruchirappalli, Madurai, Coimbatore and Thanjavur, where there is a large congregation of these prisoners.

During the period of trial, Government have issued orders that all Members of the Legislative Assembly and the Council and Members of Parliament as well as former Members of the Legislature and Parliament and the Mayor and the Deputy Mayor should, if in Central Jails, be placed in the Special Class and if in sub-jails, be allowed special class treatment. These under-trials have been given special facilities for bringing food from their home and from outside and in many cases have been allowed to use their own bedding and mosquito curtains. I mention these to show that every effort has been made to treat the prisoners with special consideration while in jail.

Government are gratified to note that their efforts to put down lawlessness have had the unqualified support of all sections of the public. I may state without fear of contradiction that the thoughtless demonstrations initiated by the Dravida Munnetra Kazhagam and the violent and unruly acts that followed in its wake, have created a sense of disgust and revulsion in the minds of the people. Government are happy that public opinion has stood solidly behind the Police in their endeavour to maintain law and order in the face of violent provocation.

(The hon. Member Sri K. S. Abdul Wahab rose in his place.)

MR. CHAIRMAN: There can be no discussion on the state-

III.—AMENDMENTS TO NOTIFICATION ISSUED WITH G.O. Ms. No. 1190, LOCAL ADMINISTRATION, DATED 23RD MAY 1962, RELATING TO THE CONFIRMATION OF THE DRAFT RULES FOR THE CO-OPTION AS COUNCILLORS OF PERSONS BELONGING TO SCHEDULED CASTES BY THE ELECTED MEMBERS OF THE COUNCIL.

SRI M. SESHACHARIAR: Mr. Chairman, I move—

"That the following amendments to the notification issued in G.O. Ms. No. 1190, Local Administration, dated 23rd May 1962 relating to the confirmation of the draft rules for the co-option as Councillors of persons belonging to Scheduled Castes by the elected Members of the Council, published in the *Fort St. George Gazette*, dated 24th May 1962, as carried in the Legislative Assembly, be agreed to :—

Amendments.

In the rules issued in G.O. Ms. No. 1190, Local Administration, dated 23rd May 1962—

(i) for sub-rule (1) of rule 4, substitute the following :—

"Every candidate for co-option as a Councillor shall be proposed by a member and seconded by another member of the Corporation. Such nomination shall be in the form appended to these rules and shall be signed by the proposer and the seconder and by the candidate who is proposed in it. The nomination paper shall be accompanied by a certificate showing that the candidate belongs to the Scheduled Caste, attested by any Gazetted Officer or Commissioner, Corporation of Madras, or any Head of a Department of the Corporation of Madras, or Magistrate."

(ii) In the form of nomination paper mentioned in the appendix to the rules, add the following after the words 'Singnature of the candidate' and before the word 'Date'—

"Serial number in the Electoral Roll."

Mr. Chairman, Sir, I am obliged to move this on the ground that the same has been accepted by the other House. A resolution moved by Sri Kalyanasundaram proposing these amendments has been accepted by the other House. The main reason for these amendments is this. Previously any nomination paper that had to be filed had to be done by one of the Councillors within the ten divisions. Perhaps one of them could second it. The proposal is that any Councillor of the Corporation can propose and second. That is the purport of the amendment. The other House has accepted it. This House also may kindly accept it.

The motion was duly seconded.

SRI K. BALASUBRAMANYA AYYAR : Sir, it is stated that every candidate for co-option as a Councillor shall be proposed by a member and seconded by another member of the Corporation. There is no such thing as a member of the Corporation. There is only a Council of the Corporation.

MR. CHAIRMAN : There is a Council of the Corporation.

[1st August 1962

SRI K. BALASUBRAMANYA AYYAR: Yes, Sir. It should be 'a member of the Corporation Council'.

THE HON. SRI R. VENKATARAMAN: Sir, we are obliged to the hon. Member Sri K. Balasubramanya Ayyar for having carefully scrutinised the notification. Actually it should be 'a member of the Corporation Council' and not a mere 'member of the Corporation'. The word 'Council' should be there. Therefore, the hon. Member may move the amendment.

SRI K. BALASUBRAMANYA AYYAR: It has to go to the other House.

THE HON. SRI R. VENKATARAMAN: Yes.

SRI K. BALASUBRAMANYA AYYAR: Then, Sir, the other thing is about the nomination paper. The candidate signs the nomination paper indicating his consent to being nominated. Therefore, 'signifying his consent' must be there. 'The candidate signing' has no meaning. The candidate signs because he consents to be nominated. Therefore, that must be there.

3-40 p.m.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, Sir, I have got the form of the nomination paper before me. The form itself contains the statement 'I consent to this nomination'. Therefore, it is enough if it is signed. As far as the first part of the question is concerned, though it is more elegant language to say 'Member of the Corporation Council' and mere 'Member of the Corporation' would not convey what we intend to, I find in the rules issued by the Government that the words Member of the Corporation' have been used to denote 'Member of the Corporation Council'. So, while I agree that it is more correct and proper language to say 'Member of the Corporation Council', it may not be necessary to amend it at this stage because, while read with the other rules, the word 'Member' here would only mean 'Member of the Corporation Council'. Therefore, there is no necessity for the hon. Member to move his amendment.

SRI K. BALASUBRAMANYA AYYAR: Then, I am not moving the amendment, Sir.

The third thing I want to refer to is this. There must be a specific time-limit for the withdrawal of the nomination. Otherwise, it will lead to great difficulty. Once there is a rule for the filing of the nomination, there must be another rule regarding withdrawal of nomination within a specified time.

THE HON. SRI R. VENKATARAMAN: Mr. Chairman, Sir this is part of the rules for election and only one part of it is sought to be amended by the hon. Member in the other House.

Therefore, the procedure with regard to filing of nomination, scrutiny and withdrawal of nomination and every other thing is there in the rules.

MR. CHAIRMAN : The question is—

'That the following amendments to the notification issued in G.O. Ms. No. 1190, Local Administration, dated 23rd May 1962 relating to the confirmation of the draft rules for the co-option as Councillors of persons belonging to Scheduled Castes by the elected members of the Council, published in the *Fort St. George Gazette*, dated 24th May 1962, as carried in the Legislative Assembly, be agreed to :

Amendments.

In the rules issued in G.O. Ms. No. 1190, Local Administration, dated 23rd May 1962.—

(i) for sub-rule (1) of rule 4, substitute the following :

"Every candidate for co-option as a Councillor shall be proposed by a member and seconded by another member of the Corporation. Such nomination shall be in the form appended to these rules and shall be signed by the proposer and the seconder and by the candidate who is proposed in it. The nomination paper shall be accompanied by a certificate showing that the candidate belongs to the Scheduled Caste, attested by any Gazetted Officer or Commissioner, Corporation of Madras, or any Head of a Department of the Corporation of Madras, or Magistrate".

(ii) In the form of nomination paper mentioned in the Appendix to the rules, add the following after the words 'Signature of the candidate' and before the word 'Date'—

"Serial number in the Electoral Roll".

The motion was put and carried.

IV.—NON-OFFICIAL RESOLUTIONS.

(1) ELEMENTARY AND SECONDARY EDUCATION.

MR. CHAIRMAN : The hon. Member Dr. A. Chidambaranathan may move his resolution formaly and get it seconded. The discussion on it will be taken up on the next non-official day as the Hon. Minister is not here.

DR. A. CHIDAMBARANATHAN : Mr. Chairman, Sir, I move :

'This Council recommends to the Government that a Committee be constituted to review the whole position of elementary and secondary education in the State and to suggest measures

[Dr. A. Chidambaranathan] [1st August 1962

necessary to make available facilities for elementary and secondary education particularly in the rural areas so that a definite plan may be evolved which will not be subjected to frequent changes'.

The resolution was duly seconded.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

'That the discussion on the Resolution be postponed to the next non-official day'.

Sir, the Hon. Minister is not in station and we would prefer him to deal with the subject. We agreed to the motion being moved because we wanted the hon. Member Dr. Chidambaranathan to have priority on the next non-official day.

MR. CHAIRMAN : The question is—

'That the discussion on the Resolution to be postponed the next non-official day'.

The motion was put and carried.

The hon. Member Sri G. Krishnamoorthy rose.

MR. CHAIRMAN : There is not going to be any discussion on this resolution.

SRI G. KRISHNAMOORTHY : On a point of explanation, Sir.

MR. CHAIRMAN : Not now. The hon. Member should not waste the time of the House.

(2) MEDICAL RELIEF IN THE STATE.

MR. CHAIRMAN : We will now take up the resolution standing in the name of the hon. Member Sri K. Balasubramanya Ayyar.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, I move:—

'This Council recommends to the Government that a Committee be appointed to consider the present position of medical relief in the State, the working of the rural health centres and hospitals, and the extent to which medical relief is made available; and to suggest ways and methods by which hospital administration may be improved taking note of the following factors: (*a*) that the medical and nursing staff be given opportunities to function efficiently; (*b*) that steps be taken immediately to concert measures to bring contagious and infectious diseases under control and ultimately to eradicate such diseases; and (*c*) that the recommendations of all India Committees that have been constituted to report on the health conditions in the country be taken into consideration and such recommendations as are feasible be implemented at an early date in the medical administration of the State'.

1st August 1962]

SRI S. K. SAMBANDHAN : I second the Resolution, Sir.

MR. CHAIRMAN : The Resolution is before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, this Resolution deals with a very important matter, namely, the health conditions and medical relief in our State which is one of the primary concerns of a Welfare State. Ever since we attained independence, the Government of our country have been very anxious to promote the health of the people, to give adequate facilities for medical relief, to see that large hospitals and dispensaries are established throughout the country, especially in the rural areas and also to see that the existing hospitals are not overcrowded and sufficient beds are provided for the treatment of patients. As a matter of fact, in this large attempt the Government have not yet succeeded fully. They have not yet brought about a satisfactory condition of affairs. There are still many improvements to be carried out and steps taken are still inadequate. Therefore it is that I have made bold to move this Resolution for the appointment of a Committee.

3-50 p.m.

As you know, Sir, many committees have been appointed by the Government of India and by this State Government also. We had the Bhore Committee, the Health Survey and Planning Committee of the Government of India and the Committee apointed by the Government of India. Fortunately for me, Sir, today the Indian Express has given a fairly full report of the recommendations of the Madras Committee. Before this was published, we did not know anything about it.

The present state of affairs is this. In the Administration Report for the year 1959—that is the latest report available—I find in the last paragraph special mention made by the Director of Medical Services about the inadequacy of medical personnel, and the difficulty in obtaining proper persons to manage the rural health centres, the difficulty of finding people for posts already sanctioned. That is the state of affairs to which special attention has been drawn in the last paragraph of the administration report for the year 1959. There are about 871 hospitals and dispensaries in the State of which State and public dispensaries are about 323 and the local fund dispensaries about 356. For this State this is a very small number, to give medical relief to the large population residing in our villages. And doctors are not available to man these rural health centres. As a matter of fact, there has been a huge complaint all round, throughout India that doctors are not coming forward in sufficient numbers to man these rural dispensaries and health centres. Unfortunately, on account of the various difficulties which the doctors have to undergo like want of facilities for the education of their children, want of better amenities in the villages, etc., they are not willing to go to the villages to take up their posts. Yesterday the Hon. Minister stated that four doctors were not posted to four primary health centres in South Arcot District. The Hon. Minister also stated that one

doctor resigned his appointment the moment he was appointed in a rural place. Dr. Sushila Nayyar in the Ministry of Health in the Union Government the other day made four or five suggestions for the purpose of taking in a sufficient number of doctors in the rural centres. Those suggestions also have to be considered. The suggestions are that for the purpose of crossing the efficiency bar, they should take into consideration the work of the doctor in a rural centre. Another suggestion is that the confirmation of new entrants may be deferred till they work in a rural centre for a certain period. A third suggestion is that doctors should be asked to go in mobile vans for a few hours to the villages and give medical relief to the people there. The fourth suggestion is the enforcement of compulsory service in the case of post-graduates for a certain period in the rural areas. The question is whether the suggestions could be implemented, and how far it is possible to implement all of them without affecting the medical personnel in our country and without impairing their efficiency. Another suggestion is that scholarships may be given for five or six years to the students on an undertaking from the students that they would work for a stated period in rural medical centres. How far this can be enforced, and how far it will be possible for us really to secure the services of doctors, is a matter for consideration. So far as our experience is concerned, even though they have given the undertaking and executed the bond, they still have left their appointments and gone elsewhere. If any amount is to be refunded by them, they are prepared to refund it.

The Health Survey and Planning Committee has also made various suggestions for the purpose of attracting doctors to work in the rural areas. One of the suggestions is to give a compensatory non-practice allowance. Another suggestion is to give the doctors proper residential quarters in the rural areas. They should also be given improved scales of pay. They should be exempted from the upper age limit. Another suggestion is that retired medical officers must be recruited. These are all suggestions that have been given by responsible persons. All these have to be considered. Otherwise, the state of affairs will remain unsatisfactory. The report given by the Dr. A. L. Mudaliar Committee, appointed by the Government of India, specially directs our attention to the great overcrowding in the out-patient wards in the General Hospital and the Royapettah Hospital and other places. This committee has also made suggestions for the efficient working of the dispensaries, especially in the rural areas, and also of the hospitals in the urban areas. Everyone admits that on account of the dearth for the medical personnel and on account of the changes that have taken place in modern conditions, there has been great difficulty in implementing all our plan schemes. For example, the third five-year plan schemes speak of the establishment of hospitals with a large bed strength. All these schemes will be frustrated on the rock of the dearth of the medical personnel and the non-enthusiasm of the people to come forward to work in the rural centres and give relief to the people. That is why there is necessity for improving the service conditions of doctors. Various

other suggestions have also been made, and I do not want to go into all those things fully. But I want to make out a case for the appointment of a committee to go into the present position of medical relief in the State and to suggest ways and methods by which hospital administration may be improved. For about five years various suggestions have been made. But nothing has been done. It is right and proper that a committee of experts should be appointed to go into the whole question to see how far the suggestions can be implemented and how far they will yield results as far as the medical relief and the manning of rural health centres are concerned. Therefore it is I am stating that this Resolution should be accepted. In reply to questions by Mr. Raza Khan previously, the answer was given by the then Health Minister that during the last five years about 128 doctors had resigned. Most of them had resigned to better their prospects elsewhere.

One of the suggestions of the Health Survey Committee is the improvement in the scales of pay and allowances. All these things have to be taken into consideration. The medical profession especially is an exacting profession. The medical profession has at times to work all the twenty-four hours. Heavy sacrifice is also necessary on the part of the profession. The Health Survey Committee drew attention to the fact that under British rule the doctors went to certain areas of their own accord. The doctors then were taken to malarial areas in the agency tracts to work there. They worked with missionary zeal. But that is not possible now. As a special case, they have been asked to go to agency tracts. Now doctors cannot be sent to the hospitals in the villages if the hospitals have not got sufficient equipment. The other day Mr. Rajagopalachari stated in one of the speeches that mobile vans were not available in many areas. Therefore, the patients cannot be suddenly taken to the nearest health centre for any operation. The hospitals must be provided with the modern medicine and modern amenities also. There should be the proper apparatus. I am not a medical man. I can only say the hospital equipment should be modern. The hon. the Leader of the Opposition also will speak on the Resolution, and he will tell graphically the difficulties and the steps to be taken to overcome those difficulties in running the hospitals and dispensaries very efficiently. I think the time has come now to take note of the situation. At least for the last five years we have been making strenuous efforts for improving the medical relief in our State. But we have not succeeded. Therefore, some steps are necessary to meet the situation. A committee is absolutely necessary to go into all these questions. The Government of India have appointed many committees, and they have made many suggestions. Those suggestions can be taken into consideration. This committee can go into the whole question to help the Minister of Health. It is no reflection on the present Minister of Health. She is here only just now. There is a large population in the villages suffering from diseases. All these things have to be taken into consideration in regard to provision of effective medical relief. The question of availability of medical personnel is also there. Therefore, great

4-00 p.m.

improvement has to be made in the general conditions of service and salaries of doctors so that we may attract a number of good doctors to go to the villages. Dispensaries also have to be properly equipped. All these things require careful scrutiny. Therefore, I think the time has come for the appointment of a committee. Appointment of a committee is no reflection on the administration of medical relief up till now. On account of the various difficulties that we are facing at the present juncture, we feel that a committee may be appointed for the purpose of looking into them. There is the valuable report produced by one of the greatest doctors of our own country who is now the President of the World Health Organisation. Such an important and authoritative advice we cannot get from any other person. Let us utilise his services and also the services of other expert doctors. Madras State has always been reputed to produce very good doctors. We can take their advice. Government may profit by their advice. Steps should be taken to improve the Health Centres. Medical relief should be given efficiently. There is also need for an emergency ward. Urgent cases will have to be treated immediately. There should be sufficient staff for this purpose. All these things require very careful attention. Therefore, I have made bold to bring this Resolution before this House. The Hon. Minister may consider it and if she considers it feasible, she may accept the Resolution and appoint a committee forthwith which will help us in the organisation of providing medical relief both in the City and in the villages.

SRI T. P. SRINIVASAVARADAN: Sir, in seconding this Resolution, I have got a few observations to make. My claim for speaking on this Resolution is that I have been an in-patient in the Royapettah Hospital for about three weeks and I know something about the working of the hospital. I was able to get some information by questioning the hospital staff there. Let us take the nursing staff. It is put down that for every eight patients there must be a nurse. The sanctioned bed-strength in the Royapettah hospital is 240. There are thirty nurses. Fifteen nurses have to attend on 240 patients in day time and another batch of 15 nurses during night time. Therefore, 16 patients have to be looked after by one nurse.

Another thing is this. On many days some of these nurses apply for leave and they are absent. Therefore, I found on one day one nurse had to look after nearly 60 beds. Moreover, the nurses have also a lot of clerical work to do. They have got to maintain accounts about the number of slices of bread, biscuits, fruit and bed-sheets distributed. So, the nurse has no time at all to attend to the patients.

I am also a member of the Royapetta Hospital Advisory Committee. Once in three months we meet and discuss. We found that the actual bed-strength was nearly 360 while the sanctioned bed-strength was only 240. Therefore, although the nurses are very good and capable, it is humanly impossible to attend to the number of patients allotted to them. Therefore, the nursing staff must really be strengthened.

1st August 1962] [Sri T. P. Srinivasavaradan]

Next, some of the lavatories are not cleaned properly because there are not enough scavengers. They are understaffed.

MR. CHAIRMAN : The committee, if appointed, can go into all these things. What is the use of speaking on them now and taking a lot of the time of the House?

SRI T. P. SRINIVASAVARADAN : The hospital is understaffed.

MR. CHAIRMAN : Let the committee go into all these things, if one is appointed. That is the purpose of appointing a committee.

SRI T. P. SRINIVASAVARADAN : Sir, I am making out a case for the appointment of a committee.

MR. CHAIRMAN : We have to go through a lot of business to-day. That is why I am saying this.

SRI T. P. SRINIVASAVARADAN : If I put it in a general way, the Government simply say that they will look into it. As a matter of fact, the Advisory Committee has passed a number of resolutions and brought them to the notice of the Government, but no action has been taken. I have been a member of the committee for the past four years.

Then, if the bathroom requires repairs, it is not immediately attended to. The Public Works Department should go and inspect and then prepare the estimates. Then the estimates must be approved. It all takes nearly a month. Thus it takes a long time for the bathroom to be repaired.

Another thing I should point out. In the Royapettah Hospital we found the contagious diseases ward. The Superintendent of the Hospital drew our attention to it. It contains cases of diphtheria and other contagious diseases. The wards containing cases of infectious and contagious diseases should be kept apart. They should not be in the same hospital.

Then, the Honorary Assistant Physicians and Honorary Assistant Surgeons are not paid anything at all. We must pay something to them.

MR. CHAIRMAN : What is it that the hon. Member wants to be paid to them?

SRI T. P. SRINIVASAVARADAN : An honorarium should be paid to them. If you expect a man to work, it is natural that he should be paid something ,at least to enable him to keep his body and soul together.

Now, so many reports have come out, but nothing has been done. The hon. Member Sri Balasubramanya Ayyar has moved that a committee be appointed. I am for it. My only regret is that the recommendations of committees find a safe place in some pigeonhole in the Secretariat. Health is next to food. Government hospitals should be improved. The condition in the General

[Sri T. P. Srinivasavaradan] [1st August 1962

Hospital also is not good. Actual bed-strength is greater than the sanctioned strength. Therefore, I request the Hon. Minister to take this up seriously and accept the Resolution.

(Sri G. Krishnamoorthy rose.)

MR. CHAIRMAN : The hon. Member Sri G. Krishnamoorthy will please make a short speech.

SRI G. KRISHNAMOORTHY : Mr .Chairman, Sir, I do welcome this Resolution, requiring the appointment of a committee to go into the state of medical affairs. It is an undeniable fact that people in the rural parts are not able to get medical aid and we have been seeing all these years that the Government have not been able to tackle this problem. Under the circumstances, I would suggest a few items for the committee that is to be appointed to go into. They can, first of all, explore the possibility of reviving the Indian system of medicine at least in the rural parts, especially when we have a lot of records in the Saraswathi Mahal Library, Thanjavur.

The second thing is this. There is a tendency on the part of the people to rush to the doctors for every sundry ailment. If really at the school level especially for women some remedies are taught through the educational syllabus, they need not take their children to the doctor and wait there for hours together.

4-10 p.m.

Then, Sir, the preventive side should be gone into in detail by the Committee. I have been repeatedly making representations in this House that the dining houses, the hostels and hotels are breeding houses of diseases. Can we not substitute paper plates and paper cups for these plates that are used in those places? These plates are not washed properly for want of time and so on. We can very well use leaves instead. If we are not able to get leaves, Government can pass an order saying that only paper plates or cups should be used in these hotels.

There is lot of adulteration in the foodstuffs we got now, not to speak of the latest contamination taking place through these foodstuffs having to go through various processes during transport storage and we find through these unwanted processes there is contamination of the wheat flour to-day. Some sort of arrangements should, therefore, be made by this Committee to see that every kind of food-stuff imported in the State, whether it is milk powder or wheat flour or anything else, is properly inspected at the customs itself and then only arrangements made for their distribution. During the 150 years of foreign rule, I do not think we had such cases of poison in foodstuffs. I do not also think we were using pesticides in our fields poisoning the crops, or using folidol and other things. Now we dare to kill the insects in the land of Gandhiji, in the land of Ahimsa in order to get more food (Interruption) for man. So, the committee should go into all these questions and especially the preventive side. There is much work for the Commitee and I, therefore, do welcome the Resolution.

1st August 1962]

Dr. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, I am a little embarrassed to participate in this discussion. I must confess that we have produced more literature than is worth and the Secretariats in different places have not been able to find adequate space for them. Perhaps the latest is the Report of the Health Survey and Planning Committee submitted six months ago. With the change of the Ministry and change of personnel, I dare say that it would take some years before it is considered when another health survey committee may have to be appointed.

Sir, all that I wish to state is this. Whatever may be the methods adopted, I think it is for our State to decide what steps they should take to deal with these problems. The problems are so many and—if I may respectfully put it—they have been neglected for the last several years for reasons which I need not go into now, which I have explained in the Council. At present we have to begin from the very beginning.

Coming to medical education, I hold very strong opinions on the manner in which the very selection of candidates should be done. I have just received a letter from Mr. Frank Anthony that a very brilliant candidate was not selected for medical education, the only boy from the Anglo-Indian community. There have been many things reported about nurses. I hear there is a ban on Anglo-Indian women being taken in on the ostensible plea that they are not fully conversant with Tamil which is considered important. To my knowledge—I am speaking with fifty years of experience, continuous experience—the Anglo-Indians form the bulwark of the nursing profession to give adequate standards. It is not that our own Indian women are less qualified for that profession but certainly I think it is wrong to ban the recruitment of Anglo-Indian women as such.

I have repeatedly mentioned that drug control does not exist. It is only a facade for making the people believe that there is control. I have referred to it in various statements I have made. The Government have made a sort of drug control where they expect their officers to go and see how much of the drugs are stocked in particular shops. The practice adopted in other countries is quite different. The first step taken by them is to see that the original manufacturing side is inspected, to see that they have a plan for standardisation and for preparing it. Only such manufacturing concerns are allowed to produce drugs. Now here it is all a question of licensing. Anybody can go and get a licence if he has got the money. I say this with all deference to what is going on now. The person goes and gets a licence. What are his credentials? Nothing at all, except that he has got the big purse about which we all talk. The result of it is there are 2,000 people who have licences to produce drugs; without knowing anything of the drugs themselves, how can they be depended upon to produce pure drugs? The report referred to by me has very strongly criticised the whole of the present drug control system. Unless something is done radically, we cannot improve the position. If

[Dr. A. Lakshmanaswami Mudaliar] [1st August 1962

others do not co-operate, let us have a separate control for Madras and only deal with those drugs we purchase. I am prepared to go even to that extent because this question of adulteration at the source should be checked. The vials used by medical men are very easily saleable in the secondhand market. Why are they sold? And why are those who produce these drugs imitate foreign labels and paste them on those drugs? Webster's phosphatum, a preparation that was originally made in a foreign country is now produced within two miles of this place and the pasting of the slip is exactly what it was before. We are very good imitators.

Then, so far as the question of providing rural medical relief and so on is concerned, what exactly is rural medical relief? It is not posting of medical men that constitutes rural medical relief. The Bhore Committee and the other Committee have given an exact idea as to the requirements of rural medical relief. Let us not delude ourselves and the public that we have extended rural medical relief simply because we have put up some structures and posted some doctors here and there. It is false economy and it is a false method of giving medical relief. I find the Committee has strongly recommended not to open more rural medical centres unless the existing ones are upgraded. It has also made the positive suggestion that the best way to do it is to have a mobile unit going to the villages. The Hon. Minister the other day explained the position and made a very good and elaborate statement on this —the first of its kind within my knowledge in these 15 years— in replying to a question—I hope more questions will be answered in that manner and I do not suggest it to the Hon. the Leader of the House. A detailed answer was given which shows that given the will, we can give medical relief in other ways than by merely opening health centres and taking credit for it that we have opened 400 or 500 health centres.

Then, Sir, we have been pressing—not because we feel that it is a small thing but a most essential thing—for pure potable water-supply. What do we find? The Government of Madras have recently passed some orders in respect of the water-supply scheme —I hope the Hon. the Health Minister would have been consulted on that—which I am unable to understand. They say that so much distance will be covered and the rest will be open channel. That reminds me of the old story which many of my young friends here may not know. We had what is called 'Melonous mixture'. A famous Commissioner on the advice of the Health Officer said: 'You put one-fourth of purified water and three-fourth of adulterated water; you get the Melonous mixture'. (Laughter.) Is there any meaning in trying to save Rs. 2 lakhs, instead of getting the water in concrete pipes right from the original source, from the Red Hills to Madras? Let us not shrink from it. Even though we may not agree to it, this particular experiment now advocated, far from giving pure water-supply, will give us polluted water-supply. These are things which have to be carefully worked out, not only by the Engineering department but with the co-operation of the Health Department also.

1st August 1962] [Dr. A. Lakshmanaswami Mudaliar]

Sir, I will refer to one other point and stop, because many of these things will have to be discussed by the Committee to be appointed and certainly enough has been written in the reports that have already been published. Not only that. I was all surprise to see that a report that was presented to the Government more than a year ago has suddenly been released to the Indian Express and it has been printed in three columns. I do not know how it got out. It is a revealing thing. At least now the Members of the Legislature can through the courtesy of the paper read the particular report. This report was with particular reference to the Madras City and some of the border areas of Madras City. I do not mind what happens to the report. I have been accustomed to many of these reports with which my unfortunate name has been associated being shelved or put in cold storage. It does not matter. I only want the Government to say what they are going to do with that report. They might very well say they will be considered, or they are under consideration and so on. We are all very aware of the formula of the Government and the language of the formula is very well known to us.

Sir, coming to the Resolution, the idea behind it is how best to promote the health of the people. Various suggestions have been made. Various methods of getting doctors trained in the different systems have been suggested. I am not going to deal with them all. My hon. Friend Sri Gajapathy Nayagar knows more about it. I do not know if he is practising one of the systems also. But what I do suggest is, when we see that medical science is advancing at such a tremendous rate, we do not think it is really in the interest of the public to have ill-qualified doctors. We have no antipathy to any other system. We have no particular interest to safeguard our own interests. We know what has happened. I was myself a teacher for many years in a medical school. I have been for many longer years in a medical college. I know the teaching that is given there. Not all the teaching done there is quite satisfactory. But still there are ways of getting the person to do the right thing.

I hope, Sir, whenever this Committee is appointed, it will be in a position to deal with many more things. I find that the hon. Member Dr. Sreenivasan has conveniently absented himself. He might have given more suggestions of a more revolutionary nature. Being a peaceful person, I do want the Government to think of these things and take such measures as they think fit.

4-20 p.m.

THE HON. SRIMATHI JOTHI VENCATACHELLUM: Mr. Chairman, Sir, while thanking hon. Members for their suggestions, I wish to state the methods which the Government desire to adopt regarding the suggestions made. A detailed report has been received from the Director of Medical Services and the Director of Public Health in this matter. At the moment, we are having about 11 hospitals in Madras City (including Tambaram) including the specialist institutions like the Mental Hospital and the Ophthalmic Hospital. As regards the dearth of doctors, Sri Balasubramanya Ayyar suggested the improvements to be made in the

[Srimathi Jothi Vencatachellum] [1st August 1962

service conditions of the doctors. I may say that the necessary improvements that are to be effected in the hospitals with reference to the recommendations of the Dr. A. Lakshmanaswami Mudaliar Committee have been taken into consideration, and wherever possible, the Government are taking action. The recommendations will be implemented very soon.

In the mofussil, there are twelve district headquarters, hospitals, 86 taluk headquarters hospitals, 85 non-taluk headquarters hospitals, 81 Government dispensaries and 124 primary health centres, with a bed-strength of nearly 10,600 odd. Improvements are also being effected to upgrade the headquarters hospitals and the primary health centres.

Hon. Members have suggested the starting of mobile units. I must say that there are already four mobile units working in the districts. In the hill areas, difficulty is experienced by the mobile vans when they go out for giving treatment to the patients. While climbing up the hills, the vans are sometimes damaged, and they are, therefore, bound to be in repair for a few months. For this reason, the Government feel that jeeps should be introduced with all the medical facilities. Even in cases where the patients are to be carried, they would be carried in the jeep. We have to-day the Employees' State Insurance Scheme under which hospitals and dispensaries have to be established for the benefit of the labour population. There is also a proposal to increase the existing medical facilities and for opening nearly 220 primary health centres, in which tuberculosis clinics, leprosy clinics, and family planning clinics, could be provided. The establishment of a medical college with additional medical officers and nurses is also engaging the attention of the Government. We are having five medical colleges in our State with an in-take of nearly 600 students every year. But still I must admit that there is shortage of doctors. The hon. Member Sri Balasubramanya Ayyar stated that many doctors had resigned. I may say that the resignations are for various reasons—many of them due to domestic reasons and some others for bettering their prospects. Some others have resigned for other reasons. However, Sir, in regard to the suggestion of the hon. Member Sri Balasubramanya Ayyar to take a bond from the students to serve the Government, I may say that we are already doing this, but the bond is not binding on them. We just feel that the doctors when they give the bond will have the conscience to serve this Government. But many have left after their house surgeoncy. They have left our service to join the various other Governments or to set up private practice or to join the railway service. To fill up the posts that are at present vacant, as an incentive, giving them a special allowance, free quarters and better amenities is under the consideration of the Government. I am sure that this will be implemented soon. We are also taking keen interest in appointing G.C.I.Ms. to solve this problem. We hope that this problem will be completely solved when the students from the Thanjavur Medical College, the Madurai and the Kilpauk Medical College graduate themselves.

1st August 1962] [Srimathi Jothi Vencatachellum]

In regard to the allegation implied in the Resolution that the medical and nursing staff are not given opportunities to function efficiently, I may say that every year a number of medical officers are deputed for training in diploma and degree courses and for post-graduate courses within our country and also abroad under the Colombo Plan and the W.H.O. Plan. Short term training course are also conducted in the training hospitals wherever possible. The students are also afforded facilities to undergo higher grade training. Pay and allowances of the staff have recently been increased, and efforts are made to provide them with residential quarters. Everything that is possible is done to improve the efficiency of the medical and nursing staff.

As regards the control of contagious and infectious diseases, I may say that the prevalence of cholera and small-pox has been largely controlled. The State is practically free from cholera. Small-pox is prevalent in some of the areas. Mobile epidemic units have also been provided with the necessary staff in the current year. This unit has been very helpful in controlling small-pox epidemic. In the Third Five-Year Plan there are also schemes for the eradication of malaria and small-pox. There is a token provision of Rs. 130 lakhs for the five years. For eradication of small-pox, mass vaccination has to be conducted. It is already in progress in Madras City, Chingleput and North Arcot districts. The scheme will be extended to the other districts as well.

4-30 p.m.

The hon. Member Sri Srinivasavaradan referred to the need for isolation of patients suffering from infectious diseases. At present, the statistics show that diphtheria, tetanus and whooping cough are prevalent among children in the age-group of 1 to 5 years. A scheme for immunising children from such diseases is being formulated and I am sure it will be implemented through the agency of primary health centres. A special co-ordinating officer has also been appointed for the eradication of plague in the southern districts of Madras, Mysore and Andhra Pradesh. He has been appointed by the Government of India and the work has already started. An epidemological unit under the Director of Public Health is also being established. I am sure it will conduct prompt investigation of the outbreak of epidemic and infectious diseases and go into the question of proper diagnosis and institution of control measures.

With regard to the implementation of the recommendations of the All-India Committee on Health Conditions in the country, the Director of Medical Services has stated that the suggestions made by the Bhore Committee and Dr. Mudaliar Committee have been implemented in the State wherever possible. The recommendations made by the Committee on Medical Education under the chairmanship of our Leader of the Opposition are also being examined and implemented wherever possible.

The hon. Member Sri G. Krishnamoorthy has made a suggestion to revive the Indian system of medicine and to appoint doctors

of the Indian systems of medicine in the rural areas. I may say that the people in the rural areas are more particular to have allopathic treatment than treatment under the indigenous systems of medicine. However, for want of doctors, already the G.C.I.M.'s have been posted in the rural areas and they are doing good work. Whether in the rural areas or in the city, it is only after losing faith in the allopathic system of medicine, people resort to the Indian system of medicine. Under these circumstances, Government feel that all doctors after completing their House Surgeoncy course should be compelled to go to the rural areas at least for a period of two years. Difficulty arises only when the doctors for various reasons of their own refuse to join duty and work in the rural areas. For that reason all the best amenities possible are being provided by the Government to these doctors.

I am very grateful to our elder Member, the Leader of the Opposition, for the confidence he has in me. He did not want to speak on this resolution. It was the Deputy Leader of the Opposition who felt that he should say a few words since it concerns public health. The Leader of the Opposition feels that certain measures regarding public health should be given the best of consideration and implemented during the forthcoming years. With regard to the alleged ban on the recruitment of Anglo-Indian nurses, I may say that it is not true that Anglo-Indian nurses are not recruited. But Anglo-Indian nurses are not forthcoming as they were before. One particular case was brought to my notice where an Anglo-Indian girl had failed for want of a few marks in Tamil. The department is taking the matter into consideration and I am sure the girl will be given exemption and employed. That is the only one case that has come to my notice. I have already asked the hon. Member of the Lower House Srimathi Suares to ask the Anglo-Indian people whom she comes across to apply for the Nurses' training if they feel like that. However, the hon. Member's suggestion will be considered.

With regard to the drug control measures, I may say that there are four Drug Inspectors in the City and one Drug Inspector for each district. They are going for inspection and whenever during their inspection they find the medicines are sub-standard, immediate action is taken. Whatever suggestions are given, I am sure they will be given the best of consideration and implemented wherever possible.

Regarding the water-supply scheme which the hon. the Leader of the Opposition mentioned, I may say that it has not been finally decided by the Government yet. The opinion of the Commissioner of the Corporation is also invited as the Leader of the Opposition has pointed out that in the open channel there is possibility of pollution. The Government have not come to any final decision in the matter yet.

The recommendations of the Bhore Committee and Dr. Mudaliar Committee are being examined and implemented wherever possible. I am sure many of the suggestions will be considered in the best

1st August 1962] [Srimathi Jothi Vencatachellum]

interests of the general public. Everything possible is being done for the provision of adequate medical relief and for the prevention and control of diseases with due regard to our financial resources. Not only do we find difficulty in financial resources but there is difficulty in finding the technical personnel to be appointed. Under the circumstances, there seems to be no need for the appointment of a committee as proposed in the resolution.

MR. CHAIRMAN : Is the hon. Member pressing his resolution?

SRI K. BALASUBRAMANYA AYYAR : If the Government do not accept the resolution, the only way open to us is to withdraw the resolution. (Laughter.) I am withdrawing the resolution, Sir.

The resolution was, by leave withdrawn.

4-40 p.m.

MR. CHAIRMAN : We will now take up the resolution standing in the name of the hon. Member Sri S. K. Sambandhan.

DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, Sir, may I request you to kindly allow the hon. Members to move the resolutions standing in their names formally and get them seconded and then adjourn the discussion on the resolutions to the next non-official day? It is already 5 o'clock and we have plenty of items on the agenda and we cannot complete all the items to-day itself if we continue the discussion on the resolutions. I had a talk with the Hon. the Leader of the House and he is agreeable to have the discussion on the resolutions postponed to the next non-official day after they are formally moved and seconded.

I move—

'That resolutions Nos. 3, 4 and 5 be moved and seconded and the further discussion thereon be postponed to the next non-official day'.

The motion was duly seconded.

MR. CHAIRMAN : The question is—

'That resolutions Nos. 3, 4 and 5 be moved and seconded and the further discussion thereon be postponed to the next non-official day'.

The motion was put and carried.

(3) HANDLOOM INDUSTRY AND HANDLOOM WEAVERS.

SRI S. K. SAMBANDHAN : Mr. Chairman, Sir, I move—

'This House recommends to the Government to examine comprehensively the position and problems of the handloom industry and handloom weavers in the State and to take necessary immediate steps for the rehabilitation of the handloom industry and the handloom weavers in general and in particular (1) for the improvement of the export of handloom fabrics, (2) for the stabilisation of the external market for the variety popularly known as "Bleeding

[Sri S. K. Sambandhan] [1st August 1962

Madras ", (3) for the fixation of minimum wages for handloom weavers, and (4) for the supply of adequate quantity and the required quality of raw materials, especially yarn, at reasonable prices '.

Sri G. KRISHNAMOORTHY : I second the resolution, Sir.

(4) TRANSACTION OF BUSINESS IN THE COUNCIL IN TAMIL.

வித்வான் டி. முத்துக்கண்ணப்பன் : தலைவர் அவர்களே, " இம் மாநிலத்தின் ஆட்சிமொழியாகவும் சட்டமன்ற நடவடிக்கை நிகழ்ச்சிகள் யாவும் அமையவேண்டிய மன்றத்தின் மொழியாகவும், தமிழை விரைவில் கொண்டுவருவதற்கான நடவடிக்கை எடுக்குமாறு, அரசினருக்கு இச்சபை சிபாரிசு செய்கிறது" என்ற தீர்மானத்தை முன்மொழிகிறேன்.

The resolution was duly seconded.

(5) LIBERALIZATION OF TEACHERS' PENSION RULES.

Sri G. KRISHNAMOORTHY : Mr. Chairman, Sir, I move—

' This Council recommends to the Government that the Teacher Pension Rules be liberalized to provide for—

(*a*) eligibility for temporary increase of Rs. 10 in pension for all teacher-pensioners from 1st April 1955;

(*b*) fixation of Rs. 20 per mensem as minimum pension in the case of teachers;

(*c*) payment of pension to all teachers retired prior to 1st April 1955;

(*d*) payment of pension to all teachers of B.T. grade and headmasters of high schools retired from 1st April 1958 on the formula n/120 of the last three years' average salary without any ceiling limit;

(*e*) inclusion of all service in recognized schools including service after 55 years of age as service counting for pension;

(*f*) payment of pension on the basis of the highest salary drawn as per Service Register; and

(*g*) payment of pension to the non-teaching staff and teachers retired as clerks or librarians '.

The resolution was duly seconded.

V.—GOVERNMENT BILLS

(1) THE MADRAS ELECTRICITY (TAXATION ON CONSUMPTION) BILL, 1962 (L.A. BILL NO. 12 OF 1962).

The Hon. Sri R. VENKATARAMAN : Mr. Chairman, Sir, I move—

' That the Madras Electricity (Taxation on Consumption) Bill[a], 1962 (L.A. Bill No. 12 of 1962), as passed by the Assembly, be taken into consideration '.

---

a Printed as Appendix II on pages 629–636.

1st August 1962] [Sri R. Venkataraman]

Sir, the object of this Bill is to secure additional revenues for implementing the development schemes in the Third Five-Year Plan by imposing a tax on consumption of electricity. The rates of tax have been fixed with due regard to the charges for electricity now payable by different classes of consumers. The rate of tax on consumers under high tension supply has been fixed at a higher level than that on consumers under low tension supply, as the consumers under high tension supply are mostly industrial units paying lower rates of electricity charges now.

So far as tax on energy consumed by industries is concerned, we have made a study of the incidence of taxation, with reference to the proportion of the cost of energy in the total cost of production in different industries. Government are satisfied that in no industry would the rise in cost be more than one per cent and in many cases the increase in the cost of production will be less. In textile industry, the cost of energy is a small proportion of the total cost of production and that is why the Government have thought it fit to impose taxation at 30 per cent on energy consumed by the textile industry. Some industries like caustic soda, Aluminium, are 'energy intensive' in the sense that the cost of energy is 15 per cent or more of the total cost of production. With a view to mitigate the effects of the new tax on energy on the cost structure of these industries a specially favourable rate of five per cent has been prescribed for these industries.

Industries located in the Madras Electricity System have to pay in addition to basic rates for energy, a fuel surcharge related to the cost of coal. In order that these industries may not be subject to any great hardship, Government have limited the rate of tax to five per cent in respect of consumers of high tension energy paying fuel surcharge. The fuel surcharge will not also be taken into account in computing the tax payable.

On consumption of low tension energy a general rate of ten per cent has been proposed. In the course of general discussion on the Budget, many hon. Members referred, in particular, to the incidence of this tax on agriculturists using electricity for lift irrigation. The low tension rate for purposes of agriculture is 7 nP. per unit—one of the lowest rates in force in this country. Some time back, the Planning Commission made a study of the pattern of electricity tariff in different States and expressed the view that 9 nP. per unit would be reasonable for agricultural purposes. Even with the present tax of 10 per cent, the charges payable by agricultural consumers will be only 7.7 nP. per unit, which compares very favourably with the rates in force in other States. Hon. Members will be interested to know that there are States in which the rates are as high as 15 nP. and 29 nP. per unit. I may add that the tax proposed will be related to actual units of energy consumed by agriculturists and not to the minimum tariff payable by them.

[Sri R. Venkataraman] [1st August 1962

I wish to announce in this connection that Government and the Board have decided to reduce the minimum guarantee from forward areas to a uniform rate of Rs. 35 per horse power in all areas.

As regards tax on domestic consumption, most of the consumers will be using only less than 20 units at the most per month and the tax will, therefore, work out to 60 nP. per month and the moderate taxation now proposed cannot be considered unjustified.

In proposing this new tax on consumption of electrical energy, we have taken care to see that the industrialisation of the State is not in any way impeded. That is why we have specifically provided for exemption of consumption of high tension by new industrial undertakings licensed under the Industrial Development Regulation Act from the proposed tax for a period of three years from the date of commencement of production.

The proposed measure of taxation is expected to bring in the current year Rs. 215 lakhs and we hope it will prove an elastic source of revenue. Sir, when I say this, I do not mean that the rates could be increased and thereby it will become elastic but that the industries will grow and thereby our revenues will also increase. Sir, the increased revenue expected from this source of taxation will help in the implementation of our Plans.

With these few words, I request that the House may be pleased to take up this bill for consideration '.

MR. CHAIRMAN : Motion moved—

'That the Madras Electricity (Taxation on Consumption) Bill, 1962 (L.A. Bill No. 12 of 1962), as passed by the Assembly, be taken into consideration '.

* SRI G. KRISHNAMOORTHY : Mr. Chairman, Sir, the Government, I am sorry to say, have not reconsidered their proposal to raise the rate for domestic consumption. The Government's case, as stated by the Hon. Minister, for increasing the rate is that most of the people will consume only less than 20 units per month and it would, therefore, be only a question of paying 60 nP. more. But my submission is that only such sundry items go to swell the budget of the individual and in these hard days it is not proper for the Government to increase the charge on domestic consumption. I want the Government to put to themselves this question : Whether they want the people to consume more electricity or whether they want to restrict the consumption of electricity? If the Government really want people to consume more electricity, they must exempt people who consume more than 50 units, as electricity has become an indispensable servant to provide for the amenities of the people. If they want that people should use less electricity, then there is a case for increasing the rate on domestic consumption. Another point I wish to urge upon the Government is this. This tax like house tax and other taxes when once increased

1st August 1962] [Sri G. Krishnamoorthy]

will never come down. On the other hand, they go on rising. What guarantee is there that this rate will not be increased further? So, people would like to know the views of the Government on this, whether they want them to use more electricity or they want them to restrict their consumption of electricity. I would, therefore, very much request the Government to see that at least all the domestic consumers, whether they consume below 20 units or above 20 units, are exempted from this increase in electricity rates.

4-50 p.m.

SRI T. P. SRINIVASAVARADAN : Sir, I welcome certain features in this Bill. The first thing is that the minimum guarantee has been made uniform. (Interruption.) The reason why I welcome this Bill is that the minimum guarantee has been made uniform. Till last year, if a certain backward area was suddenly classified as forward area, immediately the people there were asked to pay Rs. 45. When I asked for a clarification in the matter, they were not able to give any. The only explanation that they could give was that it had become a forward area, because of certain progress. Actually no progress was made. I am really thankful to the Government for taking away the heart-burning between one area and another in the matter of the minimum guarantee.

As regards the additional tax of 5 per cent in the thermal areas, the Hon. Minister stated that this 5 per cent would not apply to the fuel surcharge. But, may I say that the fuel surcharge is not a constant factor and that it is varying? It depends on the price of the coal. It varies from time to time depending on the coal prices. If the coal price increases, the fuel surcharge increases. Therefore, they pay more and, in my humble opinion, this 5 per cent may not be levied in the case of areas where there are thermal stations.

As regards the domestic consumption of power, the Hon. Minister pointed out that the low-income group consumed only less than 20 units, and for these 20 units, they need pay only 60 nP. per month. It comes to Rs. 7·20 nP. per annum. Like this, if the low-income group people should go on paying on every item, the cumulative effect will be very great. The annual increment they get is Rs. 5, but the extra cost they have to bear on every item of daily use, will become much more than this Rs. 5. My humble request to Government is to exclude from this tax people consuming less than 20 units per month. This will confer a great benefit on them.

Then, Sir, the Hon. Minister, being the Minister in charge of Industries, has always an eye for the industrialisation of the State. That is why, I think, he has taxed less heavily the industrial units manufacturing cement. It is essential that cement must be manufactured and all impetus must be given to factories manufacturing cement. Another thing that I welcome is the exemption provided to certain industries for a period of three years from the time of

their production. For new large-scale industries, this is a welcome measure. I heartily welcome this move. I would rather like that the period should be five years and not three years. I do not think any industrial unit or company can show any outturn within five years. In the first three or four years, it will be very difficult for any industrial unit to show any production. It only uses the capital. So, it is better that we extend the exemption period to five years.

As regards the other taxes, I have nothing to say. Those who use the high tension power will be taxed twenty per cent, and the textile units which use high tension power will be taxed thirty per cent. For cement industries, only ten per cent will be taxed. All sources must be taxed evenly. Even without any tax, prices go up. The Government must tax all sources on the same level.

So far as domestic consumption is concerned, I request the Government to reconsider whether they cannot exempt people who consume less than 20 units per month from this additional tax.

திரு. எம். சேஷாச்சாரியார் : தலைவர் அவர்களே, **Electricity Tax** பற்றி ஒரு சில வார்த்தை இந்த மசோதாவை ஆதரித்துப் பேச விரும்புகிறேன். மந்திரி அவர்கள் **minimum guarantee-** ஐ ரூபாய் 45-இலிருந்து ரூபாய் 35-ஆகக் குறைத்திருப்பதாகக் கூறினார்கள். மூன்றாவது ஐந்தாண்டுத் திட்ட காலத்திற்குள் எல்லா ஊர்களுக்கும் மின்சாரம் விஸ்தரிக்கப்படுவதற்கு ஏற்பாடாகி வருகிறது. வருடத்திற்கு 10,000 கிராமக்களுக்கு மின்சாரம் கிடைக்கும்படியாக ஏற்பாடாகியுள்ளது. எல்லா கிராமங்களுக்கும் மின்சாரம் விஸ்தரிக்கப்பட்டு வருகிற காலத்தில், நல்ல காலமாக நம்முடைய மந்திரி அவர்கள் **backward, forward** என்ற பாகுபாட்டை எடுத்துவிட்டிருக்கிறார். முப்பத்தைந்து ரூபாயைக்கூட கொஞ்சம் கொஞ்சமாக எடுத்துவிடலாம். யார் வந்து மோட்டாரை வைத்துக் கொண்டு அதை உபயோகிக்காமல் இருப்பார்கள்?

SRI T. P. SRINIVASAVARADAN : The Hon. Minister had **stated in the other House that it was the intention of the Government to reduce it further from Rs. 35.**

திரு. எம். சேஷாச்சாரியார் : கிணற்றில் தண்ணீர் வற்றிவிட்டால், அவர்கள் பணம் கொடுக்கப்போவதில்லை. தண்ணீர் இருந்தால், அதைப் பயன்படுத்துவார்கள். ஆகவே இந்த 35 ரூபாயைக்கூட நாளாவட்டத்தில் குறைத்துவிட்டால் நல்லதென்று கருதுகிறேன். சில **Industries** இருக்கின்றன. பணம் அதிகமாகக் கொடுப்பதாக அவைகளை நடத்துபவர்கள் கூறலாம். **Production cost** -க்கு மேல் **One per cent** என்றால்கூட பணம் அதிகமாகிவிடுகிறது. புதிய வியாபாரம் ஆரம்பிக்கிறவர்கள் எல்லாம் சர்க்கார் செய்திருக்கின்ற ஏற்பாடு பிரகாரம் பணம் சர்க்காரிடம் கேட்கிறார்கள். இடம் வாங்குகிறார்கள், கட்டிடம் கட்டுகிறார்கள். அதை **subsequent** -ஆக

1st August 1962] [திரு. எம். சேஷாச்சாரியார்]

run பண்ணுவதற்காக capital கேட்கிறார்கள். Private Bank -ம் அவர்களுக்குப் பணம் கொடுக்க முன்வந்திருக்கின்றது. டில்லியில் நடக்கின்ற மாதிரி, இங்கே தொழில்களை ஆரம்பிக்க, காலி நிலம் கேட்கிறார்கள். மூன்று வருஷம் தவணை தேவை இல்லை. இரண்டு வருஷம் கொடுத்தாலே பரவாயில்லை. Electricity—Domestic consumption -க்கு 29 நயா பைசா ஒரு யூனிட்டுக்கு ஆகிறது. இருபது யூனிட்டுக்கு அதிகமாகக் consumption செய்தால்கூட 7-3/4 அணாவிற்குமேல் அதிகமாக வராது. இருபது யூனிட்டுக்கு 58 நயா பைசா தான் அதிகப்படி தொகையாக வந்து நிற்கும். மின்சாரம் உபயோகிக்கவில்லை என்றாலும் minimum charge ஆக 1-3/4 ரூபாய் கொடுத்தாக வேண்டும். அதைவிட இப்பொழுது கொஞ்சம் அதிகமாகத்தான் பணம் கொடுக்கவேண்டியதாக இருக்கும். இரவு காலத்தில் சில சமயம் மின்சாரம் இல்லாமல் போய்விடும். இந்தமாதிரி சில நாளில்தான் mufassal -ல் தொந்திரவு ஏற்படும். இந்த அசௌகரியம் மட்டுமில்லாமல் இருந்தால் போதும். இந்த Bill -ஐ நான் support பண்ணுகிறேன்.

5-00 p.m.

திரு. எஸ். ஆர். பி. பொன்னுசாமி செட்டியார்: தலைவர் அவர்களே, அபிவிருத்தி வேலைகளுக்காக வரி போட்டுத்தான் வேண்டுமென்ற கொள்கையை நான் ஒப்புக்கொள்ளுகிறேன். ஆனால் வரி போடுகின்ற இனங்களில், எந்த இனம் தாங்கும், எந்த இனம் தாங்காது என்பதைப் பரிசீலனை செய்து பார்த்துத்தான் வரி போடவேண்டுமென்று விரும்புகிறேன். தாங்கும்படியான இனங்கள் மீது வரி போடுவதில் ஆட்சேபணை ஒன்றுமில்லை. இப்போது மின்சாரத்தைப் பொறுத்த வரையில் high tension power -க்கு 30 per cent கொஞ்சம் அதிகம்தான். இதைக் கொஞ்சம் குறைத்துவிடலாம். குறிப்பாக textile தொழிலில் நூலின் விலை 30 per cent அதிகமாகி விடுகிறது என்று சொல்லப்படுகிறது. நானும் ஒரு mill வைத்துக்கொண்டிருக்கின்றேன். எனக்கு electric bill 16,000 ஆகிறது. நான் மில்லில் வேலை செய்கிறவர்களுக்குக் கொடுக்கிற ஊதியம் மொத்தம் 90,000 ரூபாய். Production cost 60 முதல் 70 ஆயிரம் வரையில் வருஷத்திற்கு வரும். Cost of production அதிகம்தான். அதனால் இந்த Electricity Tax -ஐக் கொஞ்சம் குறைத்துப் போட்டால் நன்றாக இருக்கும். குறைக்க முடிந்தால் நல்லதென்று கருதுகிறேன். இதன் காரணமாகத் தொழில் நசித்துப் போய்விடுமென்று நான் சொல்லுவதற்குத் தயாராக இல்லை. electricity bill அதிகமாகிவிட்டால், இந்தச் செலவால், லாபம் குறைந்துவிடும். லாபம் குறைந்துவிட்டால், தொழிலாளர்களுக்குக் கொடுக்கப்படுகின்ற bonus பணம் குறைந்து போய்விடும். தொழிலாளர்களுக்கு நல்ல முறையில் bonus பணம் கிடைத்தால், அவர்கள் சந்தோஷமாக இருப்பார்கள். ஆகவே அவர்களது bonus -ஐக் குறைக்கக்கூடாதென்பதுதான் என்னுடைய யோசனை. புதியதாக ஆரம்பிக்கின்ற தொழில்களுக்கு மூன்று வருடம் விதிவிலக்குக் கொடுக்க அரசாங்கம் ஏற்

[1st August 1962

[திரு. எஸ். ஆர். பி. பொன்னுசாமி செட்டியார்]

பாடு செய்திருப்பதை நான் வரவேற்கின்றேன். இதையே இரண்டு வருடமாகக் குறைக்கலாமென்று மதிப்புக்குரிய அங்கத்தினர் திரு. ஸ்ரீனிவாசவரதன் அவர்கள் கூறினர். ஒரு வருட காலத்திற்குள் ஒரு தொழில் ஆரம்பிக்கவேண்டுமென்றால், ஒரு வருடத்திலோ அல்லது இரண்டு வருடத்திலோ, எந்தத் தொழிலும் ஸ்திரமடைய முடியாது. மந்திரி அவர்களுக்கு நம்மைவிட நன்றாகத் தெரியும். ஐந்து வருடகாலத்திற்கு முன்பு எந்தத் தொழிலும் ஸ்திரத்தன்மை கண்டிப்பாக அடைய முடியாது. அரசாங்கம் கடன் கொடுக்கலாம். கடன் ஒன்றும் சும்மா கொடுக்கப்படுவதல்ல. கடனைத் திருப்பிக் கட்டியாக வேண்டும். பணம் சம்பாதித்தால் தான் கடனைத் திருப்பித்தர முடியும். கடனைத் திருப்பித் தருவதற்கு வழி செய்தாக வேண்டும். தொழில்கள் ஸ்திரமடைந்த பிறகு, கடனைப் பின்பு வாங்கிக்கொள்ளலாம். ஆகவே தொழில்கள் ஸ்திரம் அடைவதற்காக அரசாங்கம் வழிவகை செய்தாக வேண்டும். மூன்று வருடம் தவணை போதாது. மந்திரி அவர்கள் இதை நன்றாக யோசனை செய்து பார்க்கவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன். இரண்டாவதாக Domestic Consumption Tax இல்லாமல் இருந்தால் நல்லது. இதில் இரண்டு மூன்று வகையானவர்கள் இருக்கின்றார்கள். சிலர் வீடுகளில் விளக்குகள் மட்டும் உபயோகிக்கிறார்கள். இன்னும் சிலர் விளக்குகளுடன் fan, air-conditioned unit-ம் வைத்திருக்கிறார்கள். இப்படி வைத்திருக்கின்றவர்கள் தாராளமாக இந்த tax-ஐக் கொடுக்கலாம். கனம் அங்கத்தினர் திரு. ஸ்ரீனிவாசவரதன் கூறியது போல், 20 யுனிட்டுக்குக்கீழ் மின்சாரம் உபயோகிக்கின்றவர்களை இந்த வரியிலிருந்து exempt செய்யலாம். மற்றவர்களுக்கு இந்த வரி இருக்கலாம். அவர்களுக்கு வரி கொடுப்பதால் ஒன்றும் கவலை இல்லை. இருபது unit-க்குக் குறைவாக மின்சாரம் உபயோகிக்கின்றவர்களை மட்டும் exempt செய்துவிடலாமென்று கேட்டுக்கொள்ளுகிறேன்.

திரு. எஸ். கே. சம்பந்தன்: நான் இந்த மசோதாவை முழுதாக ஆதரிக்கவில்லை என்றாலும் அதை ஓரளவு நான் ஆதரிக்கிறேன். முதலாவதாக நண்பர்கள் சீனுவாசவரதன், சேஷாச்சாரி அவர்கள் குறிப்பிட்ட mnimum guarantee பற்றி ஒன்று சொல்ல ஆசைப் படுகிறேன். இப்போது விவசாயிகள் மின்சாரம் கேட்டால், குறைந்தது 3 மாதம் ஆகிறது. ஒரு சில இடங்களிலே 6 மாதம் ஆகியும் கிடைப்பதற்குத் தாமதம் ஆகிறது. ஒரு வருஷம் ஆகியும் கூட தாமதம் ஆகிறது. இது எதைக்காட்டுகிறது என்று அமைச்சர் சொல்வார்கள்; இந்த மின்சாரத்துக்கு அதிக demand இருப்பதாகக் காட்டுவார்கள். இந்த அளவில் இருக்கும்போது minimum guarantee அவசியம்தானா என்று ஏன் பரிசீலிக்கக் கூடாது என்பது என் கேள்வி. இது ஏன் ஏற்பட்டது? தொடர்ந்து ஏன் இருக்க வேண்டும் என்று பரிசீலிக்க வேண்டும். இதற்கு முடிவு காண வேண்டும் என்று சொல்லிக்கொள்ள ஆசைப் படுகிறேன்.

1st August 1962] *[திரு. எஸ். கே. சம்பந்தன்]*

இந்த வரி அரசாங்கத்தின் வருமானத்துக்காகப் போடப்படுகிறது என்ற போதிலும் இப்போது உற்பத்தி செய்யப்படுகின்ற மின்சாரம் எந்த அளவுக்கு நமக்கு அடக்க விலை ஆகிறது என்பதை அரசாங்கம் நிர்ணயித்திருக்கலாம். அதை மற்ற மாநிலங்களிலே உற்பத்தி செய்யப்படுகின்ற மின்சாரத்திற்கு அடக்கம் ஆகின்ற விலையோடு, மற்ற நாடுகளிலே மின்சாரம் உற்பத்தி செய்கின்ற விலையோடு, ஒப்பிட்டுப் பார்த்திருக்கிறீர்களா? நமது மாநிலத்திலே அடக்கம் ஆகிற விலை அதிகமா என்று தெரியவில்லை. கனம் அமைச்சர் அவர்கள் வெளி நாடுகளைப் பார்த்திருப்பதால் **consumer** என்று சொல்லப்படுகிற பொதுமக்களுக்கும் தொழிற்சாலைகளுக்கும் எந்த விகிதத்திலே இந்த மின்சாரம் சப்ளை செய்யப்படுகிறது என்று தெரியவில்லை. அமைச்சர் அவர்கள் தெளிவு படுத்துவார்கள் என்று எண்ணுகிறேன்.

மற்றும் குறைந்த அளவுக்கு உபயோகப்படுத்துகிறவர்களுக்கு விலக்கு அளித்தால் நன்றாக இருக்கும். குறைந்த வருமானம் வருகிறவர்களுக்கு 100 ரூபாய், 150 ரூபாய், 200 ரூபாய் வருமானம் இருக்கிறவர்களுக்கும் 1 ரூபாய் இருந்தாலும் ½ ரூபாய் இருந்தாலும், திரு. கிருஷ்ணமூர்த்தி சொல்லுவது போல, சென்னை மாநிலத்தில் முக்கியமாக பாதிக்கப்படுகிறவர்கள் **Fixed Income Group** என்ற பகுதியினர்களுக்கு 4 அணாவாக இருந்தாலும் பாதிப்பு ஏற்படும். விலக்கு கொடுக்க முடியுமானால் விலக்கு அளிக்க வேண்டுமென்று கேட்டுக்கொள்கிறேன்.

SRI K. BALASUBRAMANYA AYYAR: Sir, the first thing to remember about this tax is that it is a tax on the price of energy consumed. This Bill does not concern itself with the increase in the price of energy. If the price of energy goes up, the tax also will go up. The price, so far as domestic consumption is concerned—I do not know about industries—is 29 nP. per unit. Nobody guarantees that this rate will not be increased. If that 29 nP. is increased to 32 nP. or 42 nP., then the tax will go up in proportion. This is a tax on the price of energy consumed. Therefore, I am rather loath, so far as domestic consumers are concerned, that this further tax should be imposed.

Now, electricity has become an essential thing just like air and water. So far as industries are concerned, if there is no water in Pykara, then supply of electricity is stopped, there is power cut and for every day of power cut, so many lakhs of rupees are lost. We had the recent instance of power cut for a week. Fortunately, there was rain in those places. If there is no rain for a month and a half, we find no provision here for reduction of the tax in such cases. Such a provision must be in the statute itself. There is no use of the Government saying that in such cases exemption will be given by the Government by notification. On many occasions in the night there was failure of electricity even in thermal areas. That is a point which we must remember. So far as domestic consumption is concerned, I think there is a good

case for not having it at 10 per cent. I wanted to propose an amendment for the levy of 5 per cent of the price of energy consumed. So far as the minimum is concerned, that category can be completely exempted.

In regard to appeals in disputes, reference is made to section 36 of the Indian Electricity Act. That Act provides that where there is an appeal to the Government, an appeal can be made also to an Advisory Board which may be constituted by the Government. I feel in all the disputes making the Government responsible for hearing and deciding, an Advisory Board will be better. That provision also may be here. If it is not desired to constitute it, the Government are the final authority. If they want to constitute an Advisory Board, an appeal may lie to it.

5-10 p.m.

Regarding penalties, items (*a*), (*b*) and (*c*) are clubbed together. The punishment is a fine which may extend to Rs. 1,000. Item (*a*) refers to " not keeping books of account or failing to keep or submit accounts ". Item (*b*) refers to " intentionally obstructing officers ". These two are serious offences and the punishment prescribed may be all right. But item (*c*) refers to contravention of " any rule made under this Act ". There may be contravention of even small rules. One answer will be that the punishment is only fine which ' may extend ' to one thousand rupees. It is not obligatory to fine one thousand rupees but it may extend to one thousand rupees. But it is better not to club all these things together. Items (*a*) and (*b*) refer to serious offences. In those cases, the fine may extend to one thousand rupees. But in the case of the offence under item (*c*), the punishment may be less.

Clause 14 says—

" *Effect of Madras Act V of* 1939.—The provisions of this Act shall be in addition to, and not in derogation of, the Madras Electricity Duty Act, 1939 (Madras Act V of 1939)."

That Act imposes a duty of two annas in the rupee on all licensees. It is not clear whether that two annas in the rupee can also be transferred to the consumer. That should be made clear. I have not given notice of any amendment and, therefore, I am mentioning this for consideration. If you will allow, I shall move an amendment.

MR. CHAIRMAN : Does the hon. Member think that it is quite necessary?

SRI K. BALASUBRAMANYA AYYAR : I am just mentioning this for consideration, Sir.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I am thankful to the hon. Members for generally giving support to this Bill. I wish to point out that Government have taken very great care to see that this does not lie very heavily either upon the

1st August 1962] [Sri R. Venkataraman]

industry or the consumer and that they have come forward with the rates which they have proposed with the full knowledge that it will not very seriously affect either the industry or the ordinary consumer. So, let me take the industry first and answer a few points raised.

The hon. Member Sri Ponnuswamy Chettiar said that the levy of 30 per cent on textile industry seemed steep. Government have calculated the cost of electricity in proportion to the total cost of production, and according to the accepted calculations, the cost of power in textile industry is only 2·6 per cent of the total cost of production. In the case of cement, it is 9·4 per cent of the cost of production. In the case of sugar, it is 1·7 per cent. In the case of light engineering industries, it is 2·3 per cent. In the case of chemicals, it is 18·1 per cent. Therefore, Government have fixed the various rates taking into account the cost which power bears in relation to the total cost of production. At the present time, if we increase the duty according to the Bill, the textile industry would still be paying less than 1 per cent. In fact, it would still be a favoured industry because the cost of production in this industry is so low that even if we raise it to 30 per cent, the percentage of increase in cost will be less than 1 per cent. Therefore, I do not think it is a very heavy burden. I had also a meeting of the Industries Development Committee of the State and I expected a lot of criticism from the industries about the tax on consumption of electricity. I am very happy to say that the industrialists themselves thought that the levy was not unfair to them. Only they made a request that it might not be increased. Therefore, I would plead with the House that so far as the industry is concerned, this is not a very heavy loss.

So far as agriculture is concerned, the present rate of tax is already a subsidized rate. The cost of production per unit in Madras State is 12 to 13 nP. per unit and agriculture is supplied power at the rate of 7 nP. per unit. Therefore, the increase of 10 per cent will not be very heavy. Actually it will work out to 7.7 per cent or 7.7 nP. per unit.

We have also taken this opportunity to do away with the distinction between the forward areas and backward areas and I wish to repeat what I said elsewhere that Government want to progressively reduce the minimum guarantee as soon as possible. The comparison of the cost of production of power in this State and other States would be idle because it would depend on the cost of fuel used for production of electricity. Similarly to compare the cost of production of power in this country with that of other countries would also be totally unrealistic because we cannot draw any conclusions from such a comparison. 5-20 p.m.

Sir, the hon. Member Sri S. K. Sambandhan complained about the delay in the supply of power. Our target is to electrify 1,600 villages every year. In the last year we electrified 2,300

villages against the target of 1,600. I do not think, if there was delay, we could have done nearly 50 per cent more electrification than the targetted figure. It is true that the demand for power is growing and has also become insistent. Everybody wants power almost from the next day after filing the application for supply of power. While I welcome it as a sign of the progress that the State is making both in the agricultural and industrial sectors, I am afraid it will not be humanly possible for any department to supply power at the rapid rate at which the demand for the power grows.

The only point on which there has been some criticism is the levy on domestic consumption. In my opening speech I said that this was purely a revenue measure and it was only for the purpose of finding the revenue to finance our plan schemes. Under the Plan we have an ambitious programme of laying roads, putting up hospitals, schools and all the other amenities which benefit the common man. I do not think it would be wrong to charge a small percentage on those who get the benefit of the Plan schemes. It is only fair that every one in this country bears his little share of the burden of the schemes that the Government have undertaken for the benefit of the entire people of the State. It is in that view we thought that there was nothing wrong in the levy. Government have taken care to see that it is not a very heavy burden. The levy of 10 per cent as compared with 20 or 30 per cent in other cases of high tension supply shows that the Government have taken all these into consideration. I would plead with this House to accept this 10 per cent as a token contribution of the common man to the success of the plan.

Then, Sir, the hon. Member Sri K. Balasubramanya Ayyar raised a number of points. He said that when there was no rain and when there was no supply, there was no provision for reduction of these taxes and something ought to have been provided for it in this Bill itself. Sir, this is a tax on consumption and if there is no supply, there will be no tax. It is only when the energy is consumed that they will have to pay. If the Government are unable to supply energy, they cannot tax them on energy not consumed. That is why it is not necessary to provide for any such thing in this Bill.

The second point which he raised was that if the cost of energy went up, then the tax also would automatically be raised. This is a well-known principle in any custom or excise levy. In respect of customs duty levied *ad valorem*, if the cost of the article increases, then the tax also increases. In respect of the excise duty, the same principle applies. Therefore, if at any time it becomes necessary to increase the cost of energy supplied, it is true that the tax also will proportionately increase. But the cost of energy cannot be increased unless it is found that the industry

and the consumer are able to bear it. There is no point in producing energy and making it so costly as not to be able to be consumed in the State. Therefore, I say that a great deal of care would be exercised by the Government before they think of any revision of the cost of energy supplied.

Then, Sir, the question was raised about the constitution of an Advisory Board under the Indian Electricity Act. So far, we have not received any such request. That would be considered if any such request is received.

Lastly, Sir, the question of penalties was referred to. I submit it would be a tidy legislation to impose penalties for specific offences and separate punishment for residuary offences. It is proper legislation, I agree. But in this case since the matter is only for contravention of rules, we have provided only what the Courts might take into account. And no real hardship would be caused because the courts are the final arbiters of the extent of the punishment to be given and certainly no court will levy such a heavy penalty for contravention of one of the rules as it would if there was a contravention of clause (a) or (b).

With these words, Sir, I request that the Bill be taken into consideration.

MR. CHAIRMAN : The question is—

"That the Madras Electricity (Taxation on Consumption) Bill, 1962 (L.A. Bill No. 12 of 1962), as passed by the Assembly, be taken into consideration".

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 18 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

'That the Madras Electricity (Taxation on Consumption) Bill, 1962 (L.A. Bill No. 12 of 1962), as passed by the Assembly, be passed'.

MR. CHAIRMAN : The question is—

'That the Madras Electricity (Taxation on Consumption) Bill, 1962 (L.A. Bill No. 12 of 1962) as passed by the Assembly, be passed.'

The motion was put and carried and the Bill was passed.

(2) THE MADRAS BETTING TAX (AMENDMENT) BILL, 1962 (L.A. BILL NO. 9 OF 1962).

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

'That the Madras Betting Tax (Amendment) Bill,[a] 1962 (L.A. Bill No. 9 of 1962), as passed by the Assembly, be taken into consideration'.

Sir, this is a very simple Bill. At the present moment, the Government are authorised to levy a tax ranging up to 12½ per cent of every sum paid into the totalizator as well as the bet collected. Government now want to increase the upper limit to 25 per cent. This is also a revenue measure and I trust the House will accept it.

MR. CHAIRMAN : Motion moved—

'That the Madras Betting Tax (Amendment) Bill, 1962 (L.A. Bill No. 9 of 1962), as passsd by the Assembly, be taken into consideration'.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, this is a betting Bill and though I am opposed to all betting, I welcome this measure.

If betting on horses is abolished entirely, it will be for the good of middle-class people and the poor people. It may not be so in the case of the rich. Betting is an instinct and once you foster that instinct, it goes on increasing and the avidity for betting grows greater and greater even when you lose. That is because we are anxious to cover the loss.

As a matter of fact, Sir, a resolution was passed some time back, some ten years ago, I think, in the Legislative Council. The hon. the Leader of the Opposition will bear me out. In that resolution Government said that they would try to introduce legislation to abolish this altogether. Only they wanted five years' time to do that. That time is past now and I think this Government should set an example to the other Governments in this country by abolishing this betting on horses. Of course, the Hon. Minister might answer as he did in the Assembly. (Interruption) I will refer, Sir, only to the answer given by the Hon. Minister. There are two points of view about betting. One is that it will improve the breed of the horses. Sir, in view of the danger of betting, I think the horses may breed better outside than in the races. That is my honest feeling so far as betting is concerned because I am eye-witness to the havoc it creates among the poor people. This betting on horses has ruined many families (interruptions). Yes, it is still ruining many of the families. In many of the offices, on race days, the clerks will not be found there. I found in the Income-tax office after 1 o'clock, there was nobody except the officers. The Commissioner was there. The Assistant Commissioner was there. The Chief Inspecting Officer also was there. But I did not find the

5-30 p.m.

[a] Printed as Appendix III on pages 636-637

clerks. So, I was told, 'You better go; the case is adjourned'. What is the reason, I asked. I learnt then that all the clerks had gone away after 1 o'clock, because it was a race day. It is only the smaller folk that are ruined. Even the vegetable sellers go to races and lose money. They never gain anything. That is the difficulty. If they gain anything, it is all right. But it is only the rich people that gain money. That is the curious irony of fate with the betting people. Very rich people get money. I would, therefore, strongly appeal to Government not to take two views. Let them take the only view that is possible and necessary, and, that is, abolish betting. Of course, the tax may go, but it is only a very small amount. The Government can afford to lose that amount. On the other hand, they will be conferring a real benefit upon the middle class and the lower income group people and also the poor people.

THE HON. SRI R. VENKATARAMAN: Sir, as I said, there are really two views on the question of having races. I did not say that there were two views on betting. It is said that races help to have better breed of horses. They help in the defence of the country. That is why many countries in the world are keen on preserving this. But I have no personal views on this matter. I only said that there were two views on this question, and until racing was abolished, let us get as much money out of it as possible.

MR. CHAIRMAN: The question is—

"That the Madras Betting Tax (Amendment) Bill, 1962 (L.A. Bill No. 9 of 1962), as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 4 were put and carried.

Clause 1 and the Preamble were not and carried.

THE HON. SRI R. VENKATARAMAN: Sir, I move—

"That the Madras Betting Tax (Amendment) Bill, 1962 (L.A. Bill No. 9 of 1962), as passed by the Assembly, be passed.'

MR. CHAIRMAN: The question is—

"That the Madras Betting Tax (Amendment) Bill, 1962 (L.A. Bill No. 9 of 1962), as passed by the Assembly, be passed.'

The motion was put and carried and the Bill was passed.

(3) THE MADRAS CITY MUNICIPAL CORPORATION AND DISTRICT MUNICIPALITIES (AMENDMENT) BILL, 1962 (L.A. BILL NO. 11 OF 1962).

* THE HON. SRI S. M. A. MAJID: Sir, I move—

"That the Madras City Municipal Corporation and District Municipalities (Amendment) Bill,[a] 1962 (L.A. Bill No. 11 of 1962), as passed by the Assembly, be taken into consideration."

[a] Printed as Appendix IV on pages 637-660.

[Sri S. M. A. Majid] [1st August 1962

Hon. Members are aware that the elections to the Corporation of Madras and the District Municipalities are due this year. Under the Madras City Municipal Corporation Act, 1919, and the Madras District Municipalities Act, 1920, as they stand at present, the ordinary elections should be held in the months of August and September, but the newly elected Councillors can enter upon their offices only on the first day of November. The interval between the date of election of Councillors and the date of entering upon office as Councillors is unduly long. It is, therefore, considered desirable from the administrative point of view to make a flexible provision enabling the fixing of dates of ordinary elections within three months before the occurrence of ordinary vacancies and not necessarily in the months of August and September as at present.

It is also proposed to incorporate in the said Acts provisions in respect of the following matters relating to the holding of elections on the lines of the provisions made in the Madras Panchayats Act, 1958, so that there may be uniformity in the matter in the Acts relating to local bodies :—

(a) power to extend or reduce the term of office of councillors as a whole for a period not exceeding three months;

(b) power to direct the holding of any ordinary election even after the occurrence of the vacancies; and

(c) power to postpone or alter the dates of ordinary elections as well as casual elections.

These are only enabling provisions to meet emergencies.

Under the existing provisions of the Acts, it is obligatory to fill up casual vacancies except vacancies occurring within the three months before the ordinary date of retirement of councillors. In order to avoid the holding of casual elections on the eve of ordinary elections, it is considered desirable not to conduct casual elections arising within a period of six months (instead of three months as at present) prior to the date of retirement of the members. It is accordingly proposed to make provisions in the said Acts for dispensing with the holding of such casual elections arising within a period of six months.

The Madras Legislative Assembly electoral rolls which are adopted for purposes of elections to the Corporation of Madras and Municipal Councils contain a separate part relating to service electors, that is, Armed Forces personnel and absentee officers, but their addresses are not given in the rolls. It is, therefore, found difficult to include their names in the electoral rolls arranged according to municipal wards for purposes of elections to the Corporation of Madras and the Municipal Councils. There is also no postal ballot system in the elections to local bodies, and so, even if the

names of service electors are included in the electoral rolls, it will not be possible for them to vote at the election unless they are in a position to participate personally at the poll. It is, therefore, proposed to omit the names of service electors from the electoral rolls published for purposes of elections to the Corporation of Madras and Municipal Councils. However, if any service elector is in a position to vote and wishes to vote at the election and furnishes his address to the election authority in time, his name will also be included in the electoral rolls thus enabling him to vote at the election.

Hon. Members are also aware that the elections to municipal councils and the Corporation of Madras are held on the basis of adult franchise. The number of persons contesting these elections will be considerable and the election campaign and propaganda will be unceasing till the last hour of the poll in which case breach of the peace and disorder may occur. It is imperative to make the same elaborate arrangements as is done during the general elections to the State Legislature and Parliament. For this purpose it is considered necessary and desirable to incorporate the provisions of the Representation of the People Act, 1951, relating to corrupt practices, electoral offences and requisitioning of premises, vehicles, etc., in the Madras City Municipal Corporation and the Madras District Municipalities Acts. This is necessary because the Representation of the People Act, 1951, does not apply to the elections to local bodies and there are also no analogous provisions either in the said Acts or in the rules framed thereunder. I may recall in this connection that the Madras District Boards Act, 1920, was amended for a similar purpose in 1954.

For the purpose of effectively combating the evil of personation of voters at municipal elections, it is proposed to provide in the said Act for enhanced punishment with a minimum penalty of imprisonment for a term of not less than six months and with fine for the offence of personation punishable under section 171-F of the Indian Penal Code.

I, therefore, move that the Madras City Municipal Corporation and District Municipalities (Amendment) Bill, 1962, be taken into consideration.

MR. CHAIRMAN : Motion moved—

" That the Madras City Municipal Corporation and District Municipalities (Amendment) Bill, 1962 (L.A. Bill No. 11 of 1962), as passed by the Assembly be taken into consideration."

The motion is before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR : Sir, the Armed Forces personnel and absentee officers are, I understand, put in a separate list, but their addresses are not given. I do not know why their

addresses are not given. I never stand for election to the Corporation. Therefore, I am speaking only objectively. I have no interest in this particular matter. But so far as the voters are concerned, the names of the voters and also their addresses should be given in the list. That is the general principle adopted in preparing electoral rolls. We cannot say that the addresses of a particular set of people are not given in the list, and therefore they will not be included, and that if they want, they can apply furnishing their addresses. I do not think this is the proper way of having the electoral rolls.

THE HON. SRI R. VENKATARAMAN: There is no place of residence for them.

SRI K. BALASUBRAMANYA AYYAR: It is stated that, as the names of the service electors (Armed Forces personnel and absentee officers) are included in a separate part of the electoral roll for the Assembly without specifying their addresses, it is found difficult to include their names in the electoral rolls for purposes of elections to municipal councils. The addresses of the Armed Forces personnel are known. How can they be not known?

THE HON. SRI R. VENKATARAMAN: Sir, let me just explain the position. In the Representation of the People Act, there is postal ballot and even if the names are included in the rolls without specifying the addresses, they can vote. But there is no postal ballot in the case of the municipal elections. Even they cannot send their votes by postal ballot. They will have to go and vote. There is, therefore, no point in including their names without particulars regarding their addresses.

5-40 p.m.

SRI K. BALASUBRAMANYA AYYAR: I agree. The Government are asking them to apply. Why do the Government make this distinction? The Corporation takes the responsibility of having all the names of the citizens with their addresses. That is my point. I am not saying that there is no difference between the two. So far as the municipal election is concerned, they must have the names of the citizens and their addresses also. It is better that he votes as anybody else. Simply because the names of Service electors are included in a separate part of the electoral roll for the Assembly without specifying their addresses, it does not mean that their names should not be included in the electoral rolls for the purposes of elections to Municipal Councils and the Corporation of Madras. I do not think there is any difficulty in getting particulars of their addresses. No administrative difficulty has been pointed out. Municipal election is by all voters who are resident in the area. Therefore, that makes a fundamental difference between the voting for the Assembly and this voting. Even if this suggestion is not agreed to, there may be a separate

1st August 1962] [Sri K. Balasubramanya Ayyar]

electoral roll with the address of the Army personnel and absentee officers. So far as Army officers are concerned, there may be a large number. Why should they be asked to apply? We know very well that nobody sees the Gazette. Therefore, this is a matter for the Government to consider.

Then, I find that there is no specific provision as regards prevention of bribery. Even before the elections, why not there be vigilance to see that no bribery takes place? If there is any attempt at bribery, why not you haul up the persons concerned?

So far as requisitioning of buildings is concerned, I know that it is necessary to requisition. But suppose, for example, there is a school and on the date of the requisitioning there is an examination going on. There must be some hearing and there should be provision for some representation to be made to the officer who may decide the matter. Of course, it is stated that compensation for damages will be paid. But suppose an examination is taking place. It will be very difficult for the boys to go to some other place and for the question papers to be distributed. There is no provision here for hearing of representations. Of course, elections must be conducted. In extreme cases, where it is not possible to make alternative arrangements, there may be provision for hearing of representation.

MR. CHAIRMAN : The Hon. Minister will now reply to the discussion.

(Sri G. Krishnamoorthy rose).

MR. CHAIRMAN : I have called the Hon. Minister now.

கனம் திரு. எஸ். எம். ஏ மஜீத்: நகராட்சி சம்பந்தப்பட்ட வரையில் கனம் அங்கத்தினர் திரு. பாலசுப்பரமணிய ஐயர் அவர்கள்தான் பேசினர்கள். **Army Officials** சம்பந்தப்பட்ட வரையிலும் ஊரிலே இல்லாத உத்தியோகஸ்தர்களுக்கு **Assembly electoral roll-** ல் விலாசம் இல்லை, பெயர் மட்டும் கொடுக்கப்பட்டிருக்கிறது. இந்த மசோதாவில் சம்பந்தப்பட்டவர்களுக்கு 1920-ஆம் வருட **Act** படி **Postal system of ballot** அனுமதிக்கப்படவில்லை. ஓட்டுப்போடும் உரிமையைப் பறித்துவிடவேண்டும் என்று சர்க்காருக்கு எண்ணம் இல்லை. முன்கூட்டியே தங்களுடைய விலாசத்தைப் பதித்து விட்டால் அந்த இடத்திலே நேரில் சென்று ஓட்டுச் செய்யலாம்.

Bribery சம்பந்தப்பட்ட வரையில் இந்த மாதிரிக்குற்றங்களுக்கு இந்த **Act-** ல் இடமில்லை என்பதற்காக **People's Representation Act** ல் உள்ளபடி இதில் சேர்க்கப்பட்டுள்ளது. உங்களுடைய யோசனை இந்த லஞ்ச ஊழல் சம்பந்தப்பட்ட வரையில் கண்காணிக்க வேண்டும் என்று சொன்ன நல்ல யோசனைக்கு சர்க்கார் சார்பாக நன்றி தெரிவித்துக்கொள்கிறேன்.

Requisition of property, election சம்பந்தப்பட்ட வரையில், **Polling booth** -க்கு வேண்டியிருக்கலாம். **School** சம்பந்தப்பட்ட வரையில் பரீட்சை இருக்கிறதா என்று நடைமுறையில் பார்க்காமல் இருக்கமாட்டார்கள் என்று நினைக்கிறேன். பள்ளிக்கூடமாக இருந்தால், கூடுமான வரையில் கவனித்துச் செய்கிறார்கள் சர்க்கார் உத்தியோகஸ்தர்கள் தவறாக நடந்து கொள்வதில்லை. **People's Representation Act**-லே அந்தப் பகுதி இருக்கிறது என்று கூறிக் கொள்ள ஆசைப்படுகிறேன்.

இந்த பில் சம்பந்தப்பட்ட வரையில் மற்ற எந்தக் கருத்துக்களும் தெரிவிக்காததினால், இதை நிறைவேற்ற வேண்டுமென்று **Chairman** மூலம் கேட்டுக்கொள்கிறேன்.

MR. CHAIRMAN : The question is—

"That the Madras City Municipal Corporation and District Municipalities (Amendment) Bill, 1962 (L.A. Bill No. 11 of 1962), as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 23 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI S. M. A. MAJID : Sir, I move—

"That the Madras City Municipal Corporation and District Municipalities (Amendment) Bill, 1962 (L.A. Bill No. 11 of 1962), as passed by the Assembly, be passed."

MR. CHAIRMAN : Motion moved—

"That the Madras City Municipal Corporation and District Municipalities (Amendment) Bill, 1962 (L.A. Bill No. 11 of 1962), as passed by the Assembly, be passed."

If the hon. Member Sri G. Krishnamoorthy wants to speak now, he may do so.

* SRI G. KRISHNAMOORTHY : Sir, I would like to have information as to why the sections of the Representation of the People Act are extended to even municipalities. This Act applies to the Madras Corporation and to the municipalities. There are municipalities and even small towns have become municipalities.

With regard to the difficulty just explained by the hon. Member Sri Balasubramanya Ayyar, I entirely agree with him. The provisions there in regard to the requisitioning of premises are such that no mention has been made of the time that will be given before the premises are actually requisitioned. Now there is a provision

there stating that no residential accommodation would be requisitioned. But then that clause itself allows that a part of what is called additional residential accommodation occupied by a particular gentleman in that municipality may be requisitioned. There is one other clause about the return of the requisitioned residential accommodation. So, anybody may be given notice of to vacate the premises under the provisions of this Bill for the purpose of holding any municipal election. As we all know, these things are to be administered by officials in those respective small areas. What safeguards are there for the citizens there who may not be in the good books of such authorities in those small municipalities? So, I think these provisions need not at all be extended to municipalities. If Government find it necessary, they may extend them to the Corporation of Madras where so much of population by way of adult franchise has to be tackled. I would very much like the Government to just note this point that it is not at all necessary to extend the provision to municipalities. Even major panchayats have been converted into small municipalities and this provision will apply to them.

5-50 p.m.

திரு. கே. எஸ். அப்துல் வஹாப் : மன்றத் தலைவர் அவர்களே, முனிஸிபல் தேர்தல் சம்பந்தமாக சட்டத்தில் சில திருத்தங்களை கனம் மந்திரி அவர்கள் பிரேரேபித்தார்கள். இன்று உள்ள சூழ் நிலையிலே இந்த அரசாங்கத்தில் பிரதான எதிர்க்கட்சியாக இருந்துகொண்டிருக்கும் திராவிட முன்னேற்றக் கழகத்தவர்கள் சிறைச்சாலையிலே இருக்கிறார்கள். இந்த நிலையிலே தேர்தலில் அவர்கள் பங்குகொள்ளாமல் நடைபெற்றால், அது நியாயமான தேர்தல் என்று யாரும் ஏற்றுக்கொள்ள முடியாது. ஜனநாயகத்தை முறைப்படி அமுல் நடத்துவதாகச் சொல்லப்படும் வகையில் அந்தத் தேர்தல் அமையாது. ஜனநாயகத்தை நையாண்டி செய்வதாகத்தான் அந்தத் தேர்தல் அமையும். அந்த நிலையிலே அவர்கள் பூரண பங்கு கொள்ளும்படி அவர்களை விடுதலை செய்து அவர்களுக்கு வாய்ப்பு அளிக்க வகை செய்ய வேண்டும். அதற்கு வகையில்லை என்றால், இந்தத் தேர்தல் அவர்கள் விடுதலை பெற்று வரும் காலம் வரைக்கும் ஒத்தி வைக்கப்படவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

இன்று காலை நான் பத்திரிகையில் பார்த்தேன் எனது மதிப்பு மிக்க நண்பர் நாவலர் அவர்கள் ஜாமீன் மனு நிராகரிக்கப்பட்டதாகப் படித்தேன். ஈரோட்டிலும் நாகப்பட்டிணத்திலும் . .

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, on a point of order. This is a matter which was decided by a court and it cannot be discussed here.

திரு. கே. எஸ். அப்துல் வஹாப் : இன்று உள்ள சூழ்நிலையிலே பல மாதங்கள் இந்த முறையில் கைதிகளாக இருப்பார்கள் என்பதாக தணிக்க வகை ஏற்படுகிறது. இந்த நிலையிலே இந்தத் தேர்தலைக் குறைந்த பட்சம் ஆறு மாதத்துக்காவது ஒத்தி வைக்கவேண்டும் என்பதை நான் சொல்லிக்கொள்ள விரும்புகிறேன். இந்தக் கட்சி

பிரதான எதிர்க்கட்சி என்பதோடு தேர்தலிலே வாங்கிய வாக்குகள் படியும் நிறைய வாக்குகள் வாங்கி உள்ளது. ஆளும் கட்சியினர் உத்தேசமாக 45 சதவீதம் வரைக்கும் மொத்த வாக்குகள் பெற்றார்கள். இந்தப் பிரதான எதிர்க்கட்சி 39 சதவீதம் வாக்குகள் வரைக்கும் பெற்றிருக்கிறது. அப்படிப்பட்ட ஒரு கட்சி சிறைச்சாலையிலே இருக்கும்போது, தேர்தல் நடத்தப்பட்டால் அது பிந்திய சந்ததியாருக்கு நல்ல எடுத்துக்காட்டாக அமையாது . . .

MR. CHAIRMAN : What the hon. Member is saying has no relevance to the Bill.

SRI K. S. ABDUL WAHAB : This is regarding the elections, Sir.

MR. CHAIRMAN : During the third reading stage of the Bill, it is not pertinent to refer to the elections.

Usually we do not have any discussion at great length during the third reading stage. It was as a special concession that I allowed the hon. Member to speak. He should confine his remarks to what is relevant to the Bill at this stage.

SRI K. S. ABDUL WAHAB : I wanted to make only this point.

MR. CHAIRMAN : That point does not come in here and at this stage.

(The hon. Member resumed his seat.)

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I would take your leave to intervene in this debate since certain observations have been made by the hon. Member who just now spoke and they should not go uncontradicted.

கனம் சேர்மேன் அவர்களே, எந்த ஜனநாயக நாட்டிலும் ஏதாவது ஒரு கட்சி ஒரு இயக்கத்தை ஆரம்பித்து தாங்களாகவே ஜெயிலுக்கோ மற்ற எதற்கோ போகக்கூடிய நிலைமையை உண்டாக்கிக்கொண்டு நாங்கள் ஜெயிலில் இருக்கிறோம், அதனால் தேர்தல் நடக்கக்கூடாது என்றால், அப்படி வழக்கமில்லை. அதை ஜனநாயகம் என்று யாரும் சொல்வார்கள் என்று எனக்குத் தோன்றவில்லை. அதேபோல இப்போது வேறொரு எதிர்க்கட்சி, தேர்தல் வருகிற சமயத்தில் உடனே ஒரு இயக்கத்தை ஆரம்பித்து அதில் உள்ள அங்கத்தினர்கள் சிறைக்குப் போய்விட்டார்களே உடனே இந்தத் தேர்தல் நடக்கக்கூடாது என்று சொன்னால் அதை ஒத்துக்கொள்ள முடியுமா என்பது சந்தேகம். ஆகையால் தேர்தல் நடக்கக்கூடாது என்பதற்கு இது ஒரு காரணமல்ல. இரண்டாவது அந்தக் கட்சியிலுள்ளவர்கள் எல்லோருமே ஜெயிலுக்குப் போகவில்லை. சட்டசபையிலுள்ள சில அங்கத்தினர்கள் போயிருக்கிறார்கள். மற்ற உறுப்பினர்கள் சட்டசபைக்கு

வந்திருக்கலாம். சட்டசபை நிகழ்ச்சிகளில் கலந்து கொண்டிருக் கலாம். சட்டசபையில் தங்கள் கருத்துக்களை எடுத்துச் சொல்லி யிருக்கலாம். அப்படியும் அவர்கள் செய்யவில்லை. அதனால் அவர்கள் இல்லாமல் தேர்தல் நடக்கக்கூடாது என்று சொல்லு வது பொருத்தம் இல்லை என்று சொல்ல விரும்புகிறேன்.

அடுத்து, திரு. கிருஷ்ணமூர்த்தி அவர்கள் திரு. பாலசுப்ர மணிய அய்யர் அவர்கள் சொன்ன கருத்தையே திருப்பிச் சொன்னார்கள். ரிக்விசிஷன் பண்ணுவது கஷ்டமாக இருக்கிறது என்று சொன்னார்கள். மூன்று தேர்தல்கள் அந்த ஷரத்துப்படி நடந்து விட்டன. பழைய People's Representation Act படி 1951, 1956, 1961 ஆகிய வருஷங்களில் மூன்று தேர்தல்கள் நடந்து விட்டன. இந்த ஷரத்துப்படி தவறோ, கஷ்டமோ சர்க்காருக்கோ, மக்களுக்கோ எதும் ஏற்பட்டு எந்த விதமான புகாரும் அது சம்பந்தமாக உண்டாகவில்லை. நடைமுறையில் எந்தவிதமான கஷ்டமும் ஏற்பட்டதாகத் தெரியவில்லை என்பதைத் தெரி வித்துக்கொள்ள விரும்புகிறேன். சட்டத்தில் ஏற்படக் கூடிய கஷ்டத்தை அவ்வப்போது நிவர்த்தித்துக் கொள்ளலாம். எதற் காக இந்த ஷரத்து People's Representation Act முனிசிபாலிடி களுக்கு எல்லாம் விஸ்தரிக்கப்பட்டிருக்கிறது என்றால், இப்போது முனிசிபாலிடி தேர்தலை எடுத்துக்கொண்டால், ஆள் மாறாட்டம் செய்தால், அவர்களைத் தண்டிக்க முடியாது. பீனல் கோடு பிரகாரம் தான் தண்டிக்க முடியும். மாற்று ஆட்கள் வோட் போடுவது பொதுவாக இப்போது அதிகமாகிக்கொண்டு வருகிறது என்பதைப் பார்த்து வருகிறோம். அது மட்டுமல்ல. அதில் தவறுகள் செய்கிறார்கள். இப்போது corrupt practices முனிசிபல் எலக்ஷனில் இருக்கின்றன. அப்போது முனிசிபல் எலக்ஷன் நல்ல முறையில் சட்டப்படி People's Representation Act பிரகாரம் நடக்கவேண்டுமென்பதற்காக இந்த ஷரத்துக்கள் விஸ்தரிக்கப்பட்டிருக்கின்றன. ஆகையால் இந்த மசோதாவை ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

MR. CHAIRMAN: The question is—

"That the Madras City Municipal Corporation and District Municipalities (Amendment) Bill, 1962 (L.A. Bill No. 11 of 1962), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN: The House will now adjourn *sine die*.

The House then adjourned *sine die*.

VI.— PAPERS LAID ON THE TABLE OF THE HOUSE

* *Bills as passed by the Assembly and received therefrom in the Council* :—

(1) *The Madras Electricity (Taxation on Consumption) Bill*, 1962 (*L.A. Bill No.* 12 *of* 1962).

(2) *The Madras Betting Tax (Amendment) Bill*, 1962 (*L.A. Bill No.* 9 *of* 1962).

(3) *The Madras City Municipal Corporation and District Municipalities (Amendment) Bill*, 1962 (*L.A. Bill No.* 11 *of* 1962).

---

* Sent to all M.L.Cs. by special messengers on 30th July 1962.

APPENDIX I.

[Vide Answer to Starred Question No. 186, on page 573.]

STATEMENT I.

Action taken by the Government of Madras on the recommendations of the Delegation to East Asian Countries for exploring markets for handloom cloth.

Recommendation of the Delegation.	Action taken.
1 Production centres of exportable varieties may be established for fabrics other than lungies in the State.	Under consideration.
2 A consultative body, comprising of members of Madras State Handloom Weavers' Co-operative Society, State Handloom Industry and Trade Associations and Department of Handlooms be established to go into the major problems and to evolve ways and means of producing goods which can complete strongly with similar products of other foreign countries in the markets of East Asian Countries and to follow up the marketing of those products successfully.	The Government have decided that there is no need at present for setting up the consultative body.
3 A sanforizing plant for exportable varieties of cloth may be established at Madras.	The Government sanctioned in March 1962, financial assistance to the Madras State Handloom Weavers' Co-operative Society for installing an EVASET Processing Plant in its yarn and cloth Processing Centre at Erode which will secure for handloom cloth results similar to those under sanforization treatment.

STATEMENT I—*cont.*

Recommendations of the Delegation.	Action taken.
4 A latest screen-printing plant may be established.	Under consideration.
5 A garment manufacturing unit may be established in Madras to cater to the demands of places like Hong Kong, Singapore, etc.	The Government sanctioned financial assistance in December 1961 to the Madras State Handloom Weavers' Co-operative Society for setting up a Ready-made Garment Manufacturing unit at Madras. In the Third Five Year Plan programme, it is proposed to sanction financial assistance to the State Society for setting up 3 more factories one in each of the years 1962-63, 1963-64 and 1964-65.
6 A list of dependable producers and exporters of handloom fabrics may be compiled for being supplied to our Embassies, Consulates and Commissions for distribution among importers in various countries.	Under consideration.

STATEMENT II.

Decisions of the Government of India on the recommendations of the Delegation to East Asian Countries for exploring markets for handloom cloth on which action on the part of Government of India and the All-India Handloom Board was required.

Recommendations of the Delegation.	Decisions of Government of India.
1 **Another important suggestion made by the people of South East Asia is the establishment of an Export organisation in Madras which could avoid several complaints as regards specifications, quality, contravention of terms of trade, etc. We would urge the early establishment of such an Export Organisation where the Government, the Co-operative and Independent sectors of the handloom trade could be participants.**	**Not accepted.**

2 Every Chamber and Trade Organisation insisted on quality marking for all handloom fabrics except Palayakat Sarongs which are of standard qualities. They desired that quality-marking or printing trade-names should not be done directly on the cloth as it is a practice among consumers in South East Asia to use the fabric unwashed.	Accepted. The All-India Handloom Board has been asked to take further action in this direction.
3 The overseas branches of the Cotton Textiles Export Promotion Council of India, are doing a useful job in promoting sales of Indian Mill Textiles in overseas countries through their show-rooms and their Overseas Enquiry Service. A similar organisation for handloom fabrics should also be organised.	Not accepted. The existing organisations which have sales depots overseas will look after this work.
4 The General complaint we received from all the countries is that our propaganda and publicity for our handloom fabrics in overseas countries is almost next to nothing. They said that a good portion of the publicity funds available in India should be diverted towards publicity in overseas countries. Press-publicity, out-door publicity like exhibition of boardings, cinema-slides, film shorts, fashion shows and parades, participation in National Exhibitions—these are some of the methods of publicity suggested. All-India Handloom Fabrics Marketing Society should be persuaded to improve their depots immediately as all the damage done to handlooms is due to their bad location, poor display and ineffective salesmanship.	Accepted.
5 In Hong Kong a depot be established by first selecting a local Indian of outstanding ability in consultation with the Indian Mission there.	Suggestion to open a depot at Hong Kong not accepted. However the suggestion that an outstanding Indian in Hong Kong should canvass orders for Indian Handloom Fabrics has been accepted

STATEMENT II—*cont.*

	Recommendation of the Delegation.	Decisions of Government of India.
6	The question of reducing prices of handloom cloth exported should be considered. The Government of India be persuaded to subsidise export of handlooms in addition to the incentives granted at present, in order to make the price of handlooms competitive.	Not accepted.
7	Chambers of Commerce and Trade Representatives made certain suggestions. They urged the direct shipping opportunities from Madras to Ports like Bang-Kok, Saigon and Hong Kong.	The Handloom Board has taken up with the Director-General of Shipping the question of affording direct shipping facilities from Madras to Bang-Kok, Saigon and Hong Kong.
8	It is our suggestion that handlooms should be clearly specified as a distinct item in the schedule of commodities in trade agreements that are entered into with other countries.	The recommendation has been noted.
9	Some of the countries like Japan, while manufacturing fabrics like lungies in imitation of Madras lungies, are also printing on the fabrics a legend like "Made in India". This is a matter for the Government of India to consider and to take up with the G.A.T.T.	This is under examination.
10	There should be a Handloom Depot at Penang. A section for Handlooms may be included with advantage in show room of the Indian Textile Promotion Council in Rangoon. This matter may be taken up with the Government of India.	The All-India Co-operative Fabrics Marketing Society has been requested to consider the question of opening a depot at Penang. That society will also explore the possibility of including a section for handloom fabrics in the show-room of the Cotton Textiles Export Promotion Council in Rangoon.
11	A latest screen printing plant is another necessity to push the sales of handloom fabrics in overseas countries.	As there is enough capacity for screen printing in the country it is not necessary to have additional capacity for this purpose.

1st August 1962]

APPENDIX II.

[Vide item V (1) on page 602.]

L.A. Bill No. 12 of 1962.

A Bill to provide for the levy of tax on the consumption of electrical energy in the State of Madras.

BE it enacted by the Legislature of the State of Madras in the Thirteenth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Electricity (Taxation on Consumption) Act, 1962.

(2) It extends to the whole of the State of Madras.

(3) It shall be deemed to have come into force on the 1st day of July 1962.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) " consumer " with its grammatical variations and cognate expressions, includes any person who consumes energy whether generated by himself or supplied to him.

Explanation I.—Where a licensee consumes energy, whether generated by himself or supplied to him, such licensee shall be deemed to be a consumer only in respect of the energy so consumed.

Explanation II.—Where a licensee or other person consumes energy for purposes connected with the construction, maintenance and operation of the generating, transmitting and distributing system, such licensee or person shall not be deemed to be a consumer in respect of the energy so consumed.

(2) " energy " means electrical energy;

(3) " energy intensive industries " means industries in which the price of energy used in the process of manufacturing or producing the principal product of the industry concerned exceeds 15 per centum of the total cost of the manufacture or production of that product and includes the industries manufacturing or producing the following, namely :—

(i) aluminium.

(ii) bleaching powder;

(iii) calcium carbide;

(iv) caustic soda;

(v) synthetic gem;

(4) " Government " means the State Government;

[1st August 1962

(5) " High Tension Supply " means energy supplied at more than 400 volts in respect of alternating current and at more than 440 volts in respect of direct current;

(6) " licensee " means—

(7) " Low Tension Supply " means energy supplied at 400 volts or less in respect of alternating current and at 440 volts or less in respect of direct current;

(8) " person " includes a company, local authority or a licensee;

(i) the State Electricity Board; and

(ii) any person licensed under Part II of the Indian Electricity Act, 1910 (Central Act IX of 1910), to supply energy or any person who has obtained the sanction of the Government under section 28 of that Act to supply energy;

(9) " price of energy " means the money consideration paid by a cosumer to a licensee for the energy supplied by the licensee but does not include—

(i) meter charges;
(ii) interest on delayed payments;
(iii) fuel surcharge; and
(iv) fuse-off call charges and re-connection charges.

Explanation.—(*a*) Where no energy at all has been consumed, minimum charges or fixed charges, as the case may be, shall not be deemed to be ' price of energy '.

(*b*) Where the number of units of energy actually consumed is less than the tariff minimum in respect of the consumer concerned, ' price of energy ' shall mean only the price of energy actually consumed and not the minimum charges or fixed charges, as the case may be;

(10) " State Electricity Board " means the Madras State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (Central Act LIV of 1948);

(11) " textile industry " means any industry in which textiles (including those dyed, printed or otherwise processed)—

(i) made wholly or in part of cotton, including cotton yarn hosiery and rope;

(ii) made wholly or in part of jute, including jute twine and rope;

(iii) made wholly or in part of wool, including wool tops, woolen yarn, hosiery, carpets and druggets;

(iv) made wholly or in part of silk, including silk yarn and hosiery;

(v) made wholly or in part of synthetic, artificial (man-made) fibres, including yarn and hosiery of such fibres,

are manufactured or produced.

1st August 1962]

3. *Levy of tax on consumption of energy.*—(1) (*a*) Save as otherwise provided in this Act, there shall be levied and paid to the Government every month, a tax on the consumption of energy (hereinafter referred to as the electricity tax).

(*b*) The electricity tax shall be calculated at the following rates on the basis of the price of energy consumed by the consumer, namely :—

(i) High Tension Supply subject to items (ii) to (iv).	Twenty per centum of the price of energy consumed.
(ii) High Tension Supply for textile industry.	Thirty per centum of the price of energy consumed.
(iii) High Tension Supply for cement industry.	Ten per centum of the price of energy consumed.
(iv) High Tension Supply for energy intensive industries.	Five per centum of the price of energy consumed.
(v) Low Tension Supply.	Ten per centum of the price of energy consumed in all cases :

Provided that the rate of electricity tax in respect of consumers under High Tension Supply and liable to pay fuel surcharge shall be five per centum of the price of energy consumed.

(2) Where the energy supplied to a consumer is not determined by a meter, but is determined in accordance with any formula adopted by the licensee, the electricity tax shall be calculated on the basis of the price of the energy determined in accordance with such formula.

4. *Energy consumed by Government of India or railway company not liable to tax.*—Notwithstanding anything contained in this Act, no electricity tax shall be levied under this Act on the energy consumed by the Government of India or consumed in the construction, maintenance or operation of any railway by the Government of India or a railway company operating that railway.

Explanation.—The expression 'railway' in this section shall have the meaning assigned to it in clause (20) of Article 366 of the Constitution.

5. *Payment of electricity tax.*—(1) Every licensee shall collect from the consumer and pay to the Government at the time and in the manner prescribed, the electricity tax payable under this Act in respect of the energy supplied by him to the consumer. The

tax so payable shall be a first charge on the amounts recoverable by such licensee for the energy supplied by him and shall be a debt due by him to the Government.

(2) Every person (other than a licensee) who consumes energy generated by himself, or every licensee who consumes energy, whether generated by himself or supplied to him, or every person who supplies energy to any other person free of charge, shall pay, or collect and pay, as the case may be, to the Government, at the time and in the manner prescribed, the electricity tax payable under this Act on the basis of the price of energy consumed by himself or by such other person.

Explanation.—For the purposes of this sub-section, the price of energy consumed shall be determined in the manner prescribed.

(3) The Government may pay as collection charges to every person collecting electricity tax under this section, such amount as may be prescribed :

Provided that such amount shall not exceed one per centum of the electricity tax collected by such person.

(4) When any consumer fails or neglects to pay at the time and in the manner prescribed the amount of electricity tax due from him, the licensee or, as the case may be, the person supplying energy free of charge, may, without prejudice to the right of the Government to recover the amount under section 8—

(i) deduct such amount of electricity tax from the amount, if any deposited by the consumer with the licensee or the person supplying energy free of charge; or

(ii) after giving not less than seven clear days' notice in writing to the consumer, cut off supply of energy to the consumer; and the licensee or the person supplying energy free of charge may, for that purpose, exercise the power conferred on a licensee by sub-section (1) of section 24 of the Indian Electricity Act, 1910 (Central Act IX of 1910), for the recovery of any charge or sum due in respect of energy supplied by him.

6. *Obligation of licensee to keep books of account and to submit returns.*—Every person who generates energy by himself and every licensee shall keep books of account, in the prescribed form and submit to the Government or to the prescribed officer, returns in such form and at such times as may be prescribed, showing,—

(i) the units and price of energy consumed by him or supplied by him to each consumer, as the case may be;

(ii) the amount of electricity tax payable thereon and recovered or paid by him under this Act; and

(iii) such other particulars as may be prescribed.

1st August 1962]

7. *Inspecting Officers.*—(1) The Government may, by notification, appoint Inspecting Officers to inspect the prescribed books of account kept under section 6.

(2) The Inspecting Officers shall perform such duties and exercise such powers as may be prescribed for the purpose of carrying into effect the provisions of this Act and the rules made thereunder.

(3) Every Inspecting Officer appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860), and the Prevention of Corruption Act, 1947 (Central Act II of 1947).

8. *Recoveries.*—Any sum due on account of electricity tax, if not paid at the time and in the manner prescribed, shall be deemed to be in arrears, and thereupon such interest not exceeding twelve per centum per annum which the Government may, by general or special order fix, shall be payable on such sum; and the sum, together with any interest thereon, shall be recoverable either through civil court or as an arrear of land revenue,—

(i) if the sum was payable under sub-section (1) of section 5, either from the consumer or from the licensee, at the option of the Government or of the prescribed officer;

(ii) if the sum was payable under sub-section (2) of section 5,—

(*a*) in any case where any person other than a licensee consumes energy generated by himself, from such person; or

(*b*) in any case where the licensee consumes energy generated by himself or supplied to him, from such licensee; or

(*c*) in any case where any person supplies energy free of charge, from the consumer or from the person supplying energy free of charge, at the option of the Government or of the prescribed officer.

9. *Decision of certain disputes.*—(1) If any dispute arises regarding—

(i) the liability to pay electricity tax under this Act; or

(ii) the rate or the amount of electricity tax payable under this Act,

such dispute shall be decided by the Electrical Inspector appointed under sub-section (1) of section 36 of the Indian Electricity Act, 1910 (Central Act IX of 1910) and having jurisdiction. The decision of the Electrical Inspector shall, subject to the provisions of sub-section (2), be final.

(2) From every decision of the Electrical Inspector under sub-section (1), an appeal shall, within such time as may be prescribed, lie to the Government whose decision thereon shall be final.

10. *Penalties.*—If any person—

(a) liable under section 6 to keep books of account or submit returns, fails to keep or submit the same in the manner prescribed; or

(b) intentionally obstructs an Inspecting Officer appointed under section 7 in the exercise of his powers or the performance of his duties under this Act or the rules made thereunder; or

(c) contravenes any rule made under this Act;

he shall be punished with fine which may extend to one thousand rupees.

11. *Offences by companies.*—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) 'company' means any body corporate and includes a firm or other association of individuals; and

(b) 'director' in relation to a firm means a partner in the firm.

12. *Exemption from tax.*—(1) Where energy under High Tension Supply is consumed in the process of manufacturing or producing the principal product in any industrial undertaking licensed under the Industries (Development and Regulation) Act, 1951 (Central Act LXV of 1951), no electricity tax shall be payable on the energy so consumed for a period of three years from the date of the commencement of the manufacture or production of the principal product in such undertaking.

(2) For the purposes of sub-section (1), if any question arises in regard to the date of the commencement of the manufacture or production of the principal product, the question shall be decided

1st August 1962]

by the prescribed officer in accordance with such procedure as may be prescribed and his decision thereon shall be final.

13. *Power of Government to notify exemptions and reductions.*—(1) The Government may, by notification, make an exemption or reduction in rate, in respect of the electricity tax payable under this Act by any specified class of persons, having regard to all or any of the following matters, namely :—

(*a*) the nature of the business or industry carried on by such class of persons;

(*b*) the price of energy consumed in relation to the total cost of the manufacture or production of the principal product in any industrial undertaking owned or controlled by such class of persons;

(*c*) such other matters as may be prescribed.

(2) Any exemption from electricity tax or reduction in the rate of electricity tax notified under sub-section (1) may be subject to such restrictions and conditions as may be specified in the notification.

(3) The Government may, by notification, cancel or vary any notification issued under sub-section (1).

14. *Effect of Madras Act V of* 1939.—The provisions of this Act shall be in addition to, and not in derogation of, the Madras Electricity Duty Act, 1939 (Madras Act V of 1939).

15. *Power to make rules.*—(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the procedure to be followed by the Electrical Inspector for deciding disputes under sub-section (1) of section 9;

(*c*) the procedure to be followed by the Government for deciding appeals under sub-section (2) of section 9;

(*d*) the manner of determining the total cost of the manufacture or production of the principal product for purposes of clause (3) of section 2 and clause (*b*) of sub-section (1) of section 13;

(*e*) the installation of meters by persons who consume energy generated by themselves.

16. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

17. *Publication of rules and placing of rules and orders before the Legislature.*—(1) All rules made under section 15 shall be

published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(2) Every rule made under section 15 and every order made under section 16 shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or order or both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

18. *Act to be subject to Article* 288.—This Act shall have effect subject to the provisions of Article 288 of the Constitution

I certify that this is a Money Bill.

Fort St. George, Madras, S. CHELLAPANDIAN,
30th July 1962. *Speaker, Madras Legislative Assembly.*

APPENDIX III.

[Vide item V (2) on page 614.]

L.A. Bill No. 9 of 1962.

(As passed by the Assembly.)

A Bill further to amend the Madras Betting Tax Act, 1935.

BE it enacted by the Legislature of the State of Madras in the Thirteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Betting Tax (Amendment) Act, 1962.

2. *Amendment of sections* 4 *and* 5, *Madras Act* XX *of* 1935.—In the proviso to sub-section (2) of section 4 and in the proviso to sub-section (2) of section 5 of the Madras Betting Tax Act, 1935 (Madras Act XX of 1935) (hereinafter referred to as the principal Act), for the words " twelve and a half per cent ", the words " twenty-five per cent " shall be substituted.

3. *Amendment of section* 7, *Madras Act* XX *of* **1935.—In** section 7 of the principal Act, for the words " five hundred rupees " the words " one thousand rupees " shall be substituted.

1st August 1962]

4. *Amendment of section* 10, *Madras Act XX of* 1935.—In section 10 of the principal Act—

(i) in sub-section (1), the words " by notification in the Official Gazette " shall be omitted;

(ii) after sub-section (2), the following sub-sections shall be added, namely :—

" (3) All rules made under this Act shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

I certify that this is a Money Bill.

Fort St. George, Madras, S. CHELLAPANDIAN,
30th July 1962. *Speaker, Madras Legislative Assembly.*

APPENDIX IV.

[Vide item V (3) on page 615.]

(L.A. Bill No. 11 of 1962)

(As passed by the Assembly.)

A Bill further to amend the Madras City Municipal Corporation Act, 1919, *and the Madras District Municipalities Act*, 1920.

Be it enacted by the Legislature of the State of Madras in the Thirteenth Year of the Republic of India as follows :—

PART I.

PRELIMINARY.

1. *Short title and commencement.*—(1) This Act may be called the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

[1st August 1962

PART II.

AMENDMENTS OF THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. *Amendment of section* 47, *Madras Act IV of* 1919.—To section 47 of the Madras City Municipal Corporation Act, 1919 (Madras Act IV of 1919) (hereinafter in this Part referred to as the Municipal Corporation Act), the following proviso shall be inserted, namely :—

" Provided that any person whose name is included in a separate part of the electoral roll for such territorial constituency by virtue of a statement referred to in section 20 of the Representation of the People Act, 1950 (Central Act XLIII of 1950) shall not be eligible for being included in the electoral roll for that division prepared for the purposes of this Act, unless he makes an application giving the particulars of his address in that division to the commissioner for such inclusion."

3. *Amendment of section* 50, *Madras Act IV of* 1919.—In section 50 of the Municipal Corporation Act for the words and figures " no person shall be qualified to vote during the period for which he has been declared to be disqualified by a judicial order passed under section 71 and still in force ", the words and figures " no person who is disqualified under section 71 shall be qualified to vote so long as the disqualification subsists " shall be substituted.

4. *Amendment of section* 52, *Madras Act IV of* 1919.—In section 52 of the Municipal Corporation Act, for sub-section (4), the following sub-section shall be substituted, namely :—

" (4) No person who is disqualified under section 71 shall be qualified for election or co-option as a councillor so long as the disqualification subsists."

5. *Amendment of section* 53, *Madras Act IV of* 1919.—In section 53 of the Municipal Corporation Act,—

(i) in sub-section (1), for clause (*g*), the following clause shall be substituted, namely :—

" (*g*) is disqualified under section 71; ";

(ii) in sub-section (3), for the words " the disqualification caused by the sentence is removed by an order of the State Government ", the words and figures " the disqualification caused by the sentence or incurred under section 71 is removed by an order of the State Government " shall be substituted.

6. *Amendment of section* 55, *Madras Act IV of* 1919.—To section 55 of the Municipal Corporation Act, the following proviso shall be added, namely :—

" Provided that the State Government may, by notification, for sufficient cause, direct that the term of office of the councillors as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.".

1st August 1962]

7. *Amendment of section 55-A, Madras Act IV of* 1919.—In section 55-A of the Municipal Corporation Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

"(1) (*a*) Ordinary vacancies in the office of elected councillors shall be filled at ordinary elections which shall, subject to the approval of the State Government, be fixed by the commissioner to take place on such days within three months before the occurrence of the vacancies as he thinks fit :

Provided that the State Government may, for sufficient cause, direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(*b*) A casual vacancy in the office of an elected councillor shall be filled at a casual election which shall, subject to the approval of the State Government, be fixed by the commissioner to take place as soon as may be after the occurrence of the vacancy :

Provided that no casual election shall be held to fill a vacancy occurring within six months before the date of retirement by efflux of time and that such vacancy shall be filled at the next ordinary election.

(2) Notwithstanding anything contained in this Act, the State Government may, for sufficient cause, direct from time to time the postponement or alteration of the date of an ordinary or casual election or any stage of any such election.".

8. *Amendment of section* 66, *Madras Act IV of* 1919.—In section 66 of the Municipal Corporation Act, for the words "Every polling officer, clerk or other person in attendance at the polling room", the words "Every officer, clerk, agent or other person performing any duty in connection with the recording or counting of votes at an election" shall be substituted.

9. *Insertion of new sections* 66-*A to* 66-*N in Madras Act IV of* 1919.—After section 66 of the Municipal Corporation Act, the following sections shall be inserted, namely :—

"66-A. *Minimum penalty for personation at an election.*—Nowithstanding anything contained in section 171-F of the Indian Penal Code (Central Act XLV of 1860) any person who in connection with an election under this Act commits an offence of personation punishable under that section, shall be punished with imprisonment for a term which shall not be less than six months and not more than two years and with fine.

66-B. *Promoting enmity between classes in connection with election.*—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

[1st August 1962

66-C. *Prohibition of public meetings on the day preceding the election day and on the election day.*—(1) No person shall convene, hold or attend any public meeting in any division within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that division.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

66-D. *Disturbances at election meetings.*—(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held in any division between the earliest date for making nomination of candidates for an election and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

66-E. *Restrictions on the printing of pamphlets, posters, etc.*—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(*a*) unless a declaration as to the identity of the publisher thereof signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(*b*) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printed together with one copy of the document to the commissioner.

(3) For the purposes of this section,—

(*a*) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression ' printer ' shall be construed accordingly; and

(*b*) ' election pamphlet or poster ' means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an elec-

tion, but does not include any handbill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

66-F. *Officers, etc., at elections not to act for candidates or to influence voting.*—(1) No person who is a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(*a*) to persuade any person to give his vote at an election, or

(*b*) to dissuade any person from giving his vote at an election, or

(*c*) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

66-G. *Prohibition of canvassing in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely:—

(*a*) canvassing for votes; or

(*b*) soliciting the vote of any elector; or

(*c*) persuading any elector not to vote for any particular candidate; or

(*d*) persuading any elector not to vote at the election; or

(*e*) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

[1st August 1962

66-H. *Penalty for disorderly conduct in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(*b*) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyanec to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Explanation.—In this section, the expression "polling officer" means the polling officer of a polling station or if there is a presiding officer at the polling station, such presiding officer.

66-I. *Penalty for misconduct at the polling station.*—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the polling officer may be removed from the polling station by the polling officer or by any police officer on duty or by any person authorized in this behalf by such polling officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that polling station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

1st August 1962]

Explanation.—In this section, the expression 'polling officer' has the same meaning as in section 66-H.

66-J. *Penalty for illegal hiring or procuring of conveyances at elections.*—(1) No candidate or his agent or any other person with the consent of a candidate or his agent shall hire or procure whether on payment or otherwise any vehicle, or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station :

Provided that nothing in this sub-section shall apply to—

(*a*) the hiring of a vehicle or vessel by an elector or several electors at their joint costs for the purpose of conveying him or them to or from the polling station, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power; and

(*b*) the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from the polling station.

Explanation.—In this sub-section the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(2) Any person who contravenes the provisions of sub-section (1) at or in connection with an election shall be punishable with fine which may extend to two hundred and fifty rupees.

66-K. *Breaches of official duty in connection with election.*—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election: and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

66-L. *Removal of ballot papers from polling station to be an offence.*—(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

[1st August 1962

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over the safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

66-M. *Other offences and penalties therefor.*—(1) No person at an election shall—

(*a*) fraudulently deface or fraudulently destroy any nomination paper; or

(*b*) fraudulently deface, destroy or remove any list, notice or other document affixed by or under the authority of a returning officer; or

(*c*) fraudulently deface or fraudulently destroy any ballot paper or the official mark on any ballot paper; or

(*d*) without due authority supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or

(*e*) fraudulently put into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(*f*) without due authority destroy, take, open or otherwise interfere with any ballot box or ballot papers then in use for the purposes of the election; or

(*g*) fraudulently or without due authority, as the case may be attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of sub-section (1) shall—

(*a*) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(*b*) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression 'official duty' shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (*b*) of sub-section (2) shall be cognizable.

66-N. *Prosecution regarding certain election offences.*—No court shall take cognizance of any offence punishable under section 66-F or under section 66-K or under clause (*a*) of sub-section (2) of section 66-M except on complaint in writing made by order of or under authority from the State Government."

10. *Amendment of section* 71, *Madras Act IV of* 1919.—In section 71 of the Municipal Corporation Act, for the words and figures "under section 66", the words, figures and letters 'under section 66, 66-A, 66-B, 66-C, 66-D, 66-E, 66-F, 66-G, 66-H, 66-I, 66-J, 66-K, 66-L or 66-M" shall be substituted.

11. *Insertion of new heading and new sections* 71-*A to* 71-*H in Madras Act IV of* 1919.—After section 71 of the Municipal Corporation Act, the following heading and sections shall be inserted in Chapter III, namely :—

" *Requisitioning of property for election purposes*

71-A. *Requisitioning of premises, vehicles, etc., for election purposes.*—(1) If it appears to the State Government that in connection with an election under this Act—

(*a*) any premises other than residential buildings actually occupied are needed or are likely to be needed for the purpose of being used as a polling station or for the storage or ballot boxes after a poll has been taken, or

(*b*) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Government may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to them to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

[1st August 1962

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(*a*) 'premises' means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(*b*) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

71-B. *Payment of compensation.*—(1) Whenever in pursuance of section 71-A the State Government requisition any premises, there shall be paid by the Corporation to the persons interested compensation the amount of which shall be determined by the State Government by taking into consideration the following, namely :—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality :

Provided that the rent payable in respect of the premises to which the provisions of the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act 18 of 1960) apply shall be the fair rent payable for the premises under that Act;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

Provided that where any person interested, being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression person interested' means the person who was in actual possession

1st August 1962]

of the premises requisitioned under section 71-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 71-A the State Government requisition any vehicle, vessel or animal, there shall be paid by the Corporation to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

71-C. *Power to obtain information.*—The State Government may, with a view to requisitioning any property under section 71-A or determining the compensation payable under section 71-B, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

71-D. *Powers of entry into and inspection of premises, etc.*—(1) Any person authorized in this behalf by the State Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 71-A should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions 'premises' and 'vehicle' have the same meanings as in section 71-A.

71-E. *Eviction from requisitioned premises.*—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 71-A may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

71-F. *Release of premises from requisition.*—(1) When any premises requisitioned under section 71-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 71-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

71-G. *Delegation of functions of the State Government with regard to requisitioning.*—The State Government may, by notification, direct that any powers conferred or any duty imposed on the State Government by any of the provisions of sections 71-A to 71-F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

71-H. *Penalty for contravention of any order of requisitioning.*—If any person contravenes any order made under section 71-A or section 71-C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both."

12. *Amendment of section* 348, *Madras Act IV of* 1919.—In section 348 of the Municipal Corporation Act, for clauses (*a*) and (*b*), the following clauses shall be substituted, namely :—

" (*a*) A draft of the rules under section 347 or of a notification under section 45 shall be published in the Official Gazette and forwarded to the Council for its opinion.

1st August 1962]

(*b*) Such draft shall not be further proceeded with until three weeks after such publication or until such later date as the State Government may appoint.".

13. *Amendment of section* 392, *Madras Act IV of* 1919.— In section 392 of the Municipal Corporation Act, for the words " No person shall be liable to be tried for any offence ", the words " Save as otherwise expressly provided in this Act, no court shall take cognizance of any offence " shall be substituted.

PART III.

AMENDMENTS OF THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

14. *Amendment of section* 8, *Madras Act V of* 1920.—In section 8 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) (hereinafter in this Part referred to as the Municipalities Act),—

(i) to sub-section (1), the following proviso shall be added, namely :—

" Provided that the State Government may, by notification, for sufficient cause, direct that the term of office of the councillors as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.";

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) Ordinary vacancies in the office of councillors shall be filled at ordinary elections which shall, subject to the approval of the State Government, be fixed by the election authority to take place on such days within three months before the occurrence of the vacancies as he thinks fit :

Provided that the State Government may, for sufficient cause, direct or permit the holding of any ordinary election after the occurrence of the vacancy.";

(iii) for sub-section (4), the following sub-sections shall be substituted, namely :—

" (4) A casual vacancy in the office of a councillor shall be filled at a casual election which shall, subject to the approval of the State Government, be fixed by the election authority to take place as soon as may be after the occurrence of the vacancy :

Provided that no casual election shall be held to fill a vacancy occurring within six months before the date of retirement by efflux of time and that such vacancy shall be filled at the next ordinary election.

(4-A) Notwithstanding anything contained in this Act, the State Government may, for sufficient cause, direct from time to time the postponement or alteration of the date of an ordinary or casual election or any stage of any such election.".

[1st August 1962

15. *Amendment of section* 44, *Madras Act. V of* **1920.**—In section 44 of the Municipalities Act,—

(i) to sub-section (1), the following proviso shall be inserted, namely :—

" Provided that any person whose name is included in a separate part of the electoral roll for such Assembly Constituency by virtue of a statement referred to in section 20 of the Representation of the People Act, 1950 (Central Act XLIII of 1950) shall not be eligible for being included in the electoral roll for the municipality prepared for the purposes of this Act, unless he makes an application giving the particulars of his address in the municipality to the person authorised under sub-section (2) for such inclusion.";

(ii) after sub-section (4), the following sub-section shall be inserted, namely :—

" (4-A) No alteration shall be made in any part of the electroal roll for the municipality published under sub-section (2) as revised by any alterations thereto subsequently published under that sub-section or under sub-section (4), after the last date fixed for making nomination of candidates for election to a ward and before the result of the election for the ward is notified.".

16. *Amendment of section* 50, *Madras Act V of* 1920.— In sub-section (3) of section 50 of the Municipalities Act, for the words " the disqualification caused by the sentence is removed by an order of the State Government ", the words and figures " the disqualification caused by the sentence or incurred under section 60 is removed by an order of the State Government " shall be substituted.

17. *Amendment of section* 56, *Madras Act V of* 1920.—In section 56 of the Municipalities Act, for the words " Every polling officer, clerk or other person in attendance at the polling room ", the words " Every officer, clerk, agent or other person preforming any duty in connection with the recording or counting of votes at an election " shall be substituted.

18. *Insertion of new sections* 56-*A to* 56-*N in Madras Act V of* 1920.—After section 56 of the Municipalities Act, the following sections shall be inserted, namely :—

" 56-A. *Minimum penalty for personation at an election.*—Notwithstanding anything contained in section 171-F of the Indian Penal Code (Central Act XLV of 1860) any person who in connection with an election under this Act commits an offence of personation punishable under that section shall be punished with imprisonment for a term which shall not be less than six months and not more than two years and with fine.

56-B. *Promoting enmity between classes in connection with election.*—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion,

1st August 1962]

race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

56-C. *Prohibition of public meetings on the day preceeding the election day and on the election day.*—(1) No person shall convene, hold or attend any public meeting within the municipality within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

56-D. *Disturbances at election meetings.*—(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held within the municipality between the earliest date for making nomination of candidates for an election and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

56-E. *Restrictions on the printing of pamphlets, posters, etc.*—(1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(*a*) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(*b*) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer together with one copy of the document to the commissioner.

(3) For the purposes of this section,—

(*a*) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(*b*) 'election pamphlet or poster' means any printed pamphlet hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

56-F. *Officers, etc., at elections not to act for candidates or to influence voting.*—(1) No person who is a returning officer or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(*a*) to persuade any person to give his vote at an election, or

(*b*) to dissuade any person from giving his vote at an election, or

(*c*) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

56-G. *Prohibition of canvassing in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely:—

(*a*) canvassing for votes; or

(*b*) soliciting the vote of any elector; or

(*c*) persuading any elector not to vote for any particular candidate; or

1st August 1962]

(*d*) persuading any elector not to vote at the election; or

(*e*) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

56-H. *Penalty for disorderly conduct in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(*b*) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Explanation.—In this section, the expression "polling officer" means the polling officer of a polling station or if there is a presiding officer at the polling station, such presiding officer.

56-I. *Penalty for misconduct at the polling station.*—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the polling officer may be removed from the polling station by the polling officer or by any police officer on duty or by any person authorized in this behalf by such polling officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that polling station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Explanation.—In this section, the expression 'polling officer' has the same meaning as in section 56-H.

56-J. *Penalty for illegal hiring or procuring of conveyances at elections.*—(1) No candidate or his agent or any other person with the consent of a candidate or his agent shall hire or procure whether on payment or otherwise any vehicle, or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station:

Provided that nothing in this sub-section shall apply to—

(*a*) the hiring of a vehicle or vessel by an elector or several electors at their joint costs for the purpose of conveying him or them to or from the polling station, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power; and

(*b*) the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from the polling station.

Explanation.—In this sub-section the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(2) Any person who contravenes the provisions of sub-section (1) at or in connection with an election shall be punishable with fine which may extend to two hundred and fifty rupees.

56-K. *Breaches of official duty in connection with election.*—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any

duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression 'official duty' shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

56-L. *Removal of ballot papers from polling station to be an offence.*—(1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

56-M. *Other offences and penalties therefor.*—(1) No person at an election shall—

(*a*) fraudulently deface or fraudulently destroy any nomination paper; or

(*b*) fraudulently deface, destroy or remove any list, notice or other document affixed by or under the authority of a returning officer; or

(*c*) fraudulently deface or fraudulently destroy ballot paper or the official mark on any ballot paper; or

(*d*) without due authority supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or

(*e*) fraudulently put into any ballot box anything other than the ballot paper which he is authorized by law to put in; or

(*f*) without due authority destroy, take, open or otherwise interfere with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of sub-section (1) shall—

(a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression 'official duty' shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

56-N. *Prosecution regarding certain election offences.*—No court shall take cognizance of any offence punishable under section 56-F or under section 56-K or under clause (a) of sub-section (2) of section 56-M except on complaint in writing made by order of, or under authority from, the State Government.

19. *Amendment of section* 60, *Madras Act V of* 1920.—In section 60 of the Municipalities Act,—

(i) for the words and figures "under section 56", the words, figures and letters "under section 56, 56-A, 56-B, 56-C, 56-D, 56-E, 56-F, 56-G, 56-H, 56-I, 56-J, 56-K, 56-L or 56-M" shall be substituted;

(ii) the words "or for such shorter period as the court may, by order, determine" shall be omitted.

20. *Insertion of new heading and new sections* 60-*A to* 60-*H in Madras Act V of* 1920).—After section 60 of the Municipalities Act, the following heading and sections shall be inserted in Chapter IV, namely :—

"*Requisitioning of property for election purposes.*

60-A. *Requisitioning of premises, vehicles, etc., for election purposes.*—(1) If it appears to the State Government that in connection with an election under this Act—

(a) any premises other than residential buildings actually occupied are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

1st August 1962]

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Government may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to them to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

60-B. *Payment of compensation.*—(1) Whenever in pursuance of section 60-A the State Government requisition any premises, there shall be paid by the municipal council to the persons interested compensation the amount of which shall be determined by the State Government by taking into consideration the following, namely :—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality :

Provided that the rent payable in respect of the premises to which the provisions of the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act 18 of 1960) apply shall be the fair rent payable for the premises under that Act;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

[1st August 1962

Provided that where any person interested, being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination, and shall be determined in accordence with the decision of such arbitrator.

Explanation.—In this sub-section, the expression " person interested " means the person who was in actual possession of the premises requisitioned under section 60-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 60-A the State Government requisition any vehicle, vessel or animal, there shall be paid by the municipal council to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

60-C. *Power to obtain information.*—The State Government may, with a view to requisitioning any property under section 60-A or determining the compensation payable under section 60-B, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

60-D. *Powers of entry into and inspection of premises, etc.*—(1) Any person authorised in this behalf by the State Government may enter into any premises and inspect such premises and any

1st August 1962]

vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 60-A should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions "premises" and "vehicle" have the same meanings as in section 60-A.

60-E. *Eviction from requisitioned premises.*—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 60-A may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

60-F. *Release of premises from requisition.*—(1) When any premises requisitioned under section 60-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 60-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

60-G. *Delegation of functions of the State Government with regard to requisitioning.*—The State Government may, by notification, direct that any powers conferred or any duty imposed on

the State Government by any of the provisions of sections 60-A to 60-F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

60-H. *Penalty for contravention of any order regarding requisitioning.*—If any person contravenes any order made under section 60-A or section 60-C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

21. *Amendment of section* 304, *Madras Act V of* 1920.—In section 304 of the Municipalities Act,—

(i) for the words and figures " The power to make rules under section 303 is ", the words and figures, " The power to make rules under section 303 and the power to issue notifications under this Act are " shall be substituted;

(ii) for the words " six weeks ", the words " three weeks " shall be substituted;

(iii) after clause (*c*), the following clause shall be added, namely :—

" (*d*) Every rule made under section 303 and every notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.".

22. *Amendment of section* 347, *Madras Act V of* 1920.—In section 347 of the Municipalities Act, for the words " No person shall be tried for any offence ", the words " Save as otherwise expressly provided in this Act, no court shall take cognizance of any offence " shall be substituted.

23. *Amendment of section* 368, *Madras Act V of* 1920.—To sub-section (5) of section 368 of the Municipalities Act, the following proviso shall be added, namely :—

" Provided that the State Government may, by notification, for sufficient cause, direct that the term of office of the councillors as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.".

INDEX TO MADRAS LEGISLATIVE COUNCIL DEBATES

TWENTIETH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

30th June, 2nd to 7th, 30th and 31st July and 1st August 1962.

Volume XLVII (Nos. 1 to 10).

PAGES

A

PAGES

A—*cont.*

PAGES

B—*cont.*

PAGES

B—*cont.*

C

PAGES

C—*cont.*

PAGES

C—*cont.*

C—*cont.*

D

PAGES

E

PAGES

E—*cont.*

PAGES

G—*cont.*

PAGES

H—*cont.*

J— *cont.*

L

M

M—*cont.*

M—*cont.*

PAGES

N—*cont.*

PAGES

P—*cont.*

PAGES

P—*cont.*

PAGES

P—*cont.*

PAGES

P—cont.

PAGES

P—*cont.*

P—*cont.*

P—*cont.*

PAGES

Q

PAGES

Q—*cont.*

Q—*cont.*

PAGES

Q—*cont.*

PAGES

Q—*cont.*

PAGES

Q—*cont.*

PAGES

R—*cont.*

Rulings and observations of the Chair—*cont.*

Bills—*cont.*

Questions—*cont.*

character or conduct of any person *except* in his official or public capacity. Therefore, what is prohibited is only a reference to the character and conduct of any person in his private or personal capacity. Under the rule, as it stands, it is permissible to ask questions in regard to the conduct of any person in his official or public capacity. In parliamentary practice, the only accepted condition is that no names shall be mentioned. Therefore, the objection that no question shall be asked in regard to persons in their professional capacity is not sustainable.

Secondly, the objection that the nature of the question is such that it is likely to produce in the mind of the public a state of alarm cannot be accepted. The questions as they stand merely seek information as to the number of certain classes of cases admitted in a Government Hospital and the number of cases that proved fatal. It cannot be presumed that the answer to the questions will disclose a large number of fatal cases and that they might produce a state of alarm in the public mind. A bare statement of the state of affairs need not necessarily produce a state of alarm in the public mind. They may perhaps focus the attention of the Government and the public on the state of affairs prevalent in the particular hospital which may call for remedial measures. Even if that be so, it will not be a ground to justify the question being disallowed because under the rules that is not a ground on which questions can be disallowed.

The admissibility or otherwise of a question is judged by the Chairman with regard to their compliance with the conditions laid down in the relevant rules and he is not and cannot be influenced by any consideration as to whether they will cause any embarrassement to the Government or whether they may create an awkward situation or it is not in public interest. The Government alone are the best judges to decide as to whether an answer to a question would or would not be in the public interest and it is open to them to answer or refuse to answer a question in the public interest. The Chair cannot compel them to give answer or to furnish answer in a particular manner. The Chair has no doubt a duty to ensure that baseless questions are not admitted lest unfounded allegations or insinuations are given undue publicity.

The next question is whether these questions are an abuse of the right of interpellation. On the face of these questions, there is nothing to show that they constitute an abuse of the right of interpellation. As members are aware, the right of interpellation is a very valuable right enjoyed and exercised by a private member. Questions are intended mainly to elicit facts on matters of public importance within the cognizance of theMinister to whom they are addressed. They must relate to public affairs and matters of administration for which the Minister is officially responsible.

It is well established that the right of interpellation is exercised with a view to turn the searchlight on acts of commission and omission and lapses on the part of the administration which would have otherwise gone unnoticed, so as to focus the attention of the Government and seek redressal. The responsibility of the Chairman in regard to questions is limited to their compliance with the Rules of the House. The questions under reference only seek to elicit information in regard to a Government hospital. It cannot be denied that this is of public importance. They relate to public affairs and administration for which the Minister is responsible.

PAGES

R—*cont.*

PAGES

S—*cont.*

PAGES

S—*con*.

PAGES

S—*cont.*

PAGES

T—*cont.*

U

V

PAGES

V—*cont.*

தமிழ்நாடு சட்டமன்றப் பேரவை

TAMIL NADU LEGISLATIVE ASSEMBLY

வாய்மையே வெல்லும்

TRUTH ALONE TRIUMPHS